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Rules of Governmental Agencies

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Secretary of State

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INTRODUCTION

The Illinois Register is the official state document for publishing public notice of rulemaking activity by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. Rulemaking activity consists of proposed or adopted new rules or amendments to or repealers of existing rules, including those by emergency or peremptory action.

The *Register* also contains Executive Orders and Proclamations issued by the Governor, notices of public information required by State statute, and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies. In addition, the *Register* contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current *Register* volume and a Sections Affected Index listing, by Title of the *Illinois Administrative Code*, each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume. Both indices are action coded and are designed to aid the public in monitoring rules.

The *Register* will serve as the update to the *Illinois Administrative Code*, a compilation of the rules of State agencies. The most recent edition of the *Code* along with the *Register* comprise the most current accounting of the State agencies' rules.

The *Illinois Register* is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act (Ill. Rev. Stat. 1991, ch. 127, pars. 1001 et seq., as amended).

REGISTER PUBLICATION SCHEDULE 1993

Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:	Material Rec'd after 4:30 p.m. on:	And before 4:30 p.m. on:	Will be in Issue #:	Published on:
Dec. 16, 1992	Dec. 23, 1992	1	(Mon.) Jan. 4, 1993	June 22, 1993	June 29, 1993	28	July 9, 1993
Dec. 23, 1992	Dec. 30, 1992	2	Jan. 8, 1993	June 29, 1993	July 6, 1993	29	July 16, 1993
Dec. 30, 1992	Jan. 5, 1993	3	Jan. 15, 1993	July 6, 1993	July 13, 1993	30	July 23, 1993
Jan. 5, 1993	Jan. 12, 1993	4	Jan. 22, 1993	July 13, 1993	July 20, 1993	31	July 30, 1993
Jan. 12, 1993	Jan. 19, 1993	5	Jan. 29, 1993	July 20, 1993	July 27, 1993	32	Aug. 6, 1993
Jan. 19, 1993	Jan. 26, 1993	6	Feb. 5, 1993	July 27, 1993	Aug. 3, 1993	33	Aug. 13, 1993
Jan. 26, 1993	Feb. 2, 1993	7 (Tues.)	Feb. 16, 1993	Aug. 3, 1993	Aug. 10, 1993	34	Aug. 20, 1993
Feb. 2, 1993	Feb. 9, 1993	8	Feb. 19, 1993	Aug. 10, 1993	Aug. 17, 1993	35	Aug. 27, 1993
Feb. 9, 1993	Feb. 16, 1993	9	Feb. 26, 1993	Aug. 17, 1993	Aug. 24, 1993	36	Sept. 3, 1993
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Mar. 2, 1993	Mar. 9, 1993	12	Mar. 19, 1993	Sept. 7, 1993	Sept. 14, 1993	39	Sept. 24, 1993
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Mar. 16, 1993	Mar. 23, 1993	14	Apr. 2, 1993	Sept. 21, 1993	Sept. 28, 1993	41	Oct. 8, 1993
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Apr. 27, 1993	May 4, 1993	20	May 14, 1993	Nov. 2, 1993	Nov. 9, 1993	47	Nov. 19, 1993
May 4, 1993	May 11, 1993	21	May 21, 1993	Nov. 9, 1993	Nov. 16, 1993	48	Nov. 29, 1993 (Mon.)
May 11, 1993	May 18, 1993	22	May 28, 1993	Nov. 16, 1993	Nov. 23, 1993	49	Dec. 3, 1993
May 18, 1993	May 25, 1993	23	June 4, 1993	Nov. 23, 1993	Nov. 30, 1993	50	Dec. 10, 1993
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June 15, 1993	June 22, 1993	27	July 2, 1993	Dec. 21, 1993	Dec. 28, 1993	2	Jan. 7, 1994

Please note: When the Register deadline falls on a State holiday, the deadline becomes 4:30 p.m. on Monday (the day before).

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

1) Heading of the Part: Payment Of Unemployment Contributions, Interest And Penalties

2) Code Citation: 56 Ill. Adm. Code 2765

3) Section Number: Proposed Action:
2765.71 New Section

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 48, pars. 322, 382, 420, 431, 432, 433, 442, 451, 550, 551, 552, 553, 554, 555, 572.1, 573, 578, 579, 610, 611 and 750 [820 ILCS 405/212, 405/302, 405/500, 405/601, 405/602, 405/603, 405/612, 405/701, 405/1400, 405/1401, 405/1402, 405/1403, 405/1404, 405/1405, 405/1502.1, 405/1503, 405/1507, 405/1508, 405/1509, 405/1700, 405/1701, 405/2201, 405/2201.1 and 405/2600].

5) A Complete Description of the Subjects and Issues Involved:
This proposed amendment sets forth the grounds under which the Director will waive interest which accrues as a result of extraordinary delays by the Department in hearing contested assessment cases.

6) Will the proposed amendment replace an emergency amendment currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed amendment contain an incorporation by reference pursuant to Section 6.02 of the Illinois Administrative Procedure Act? No.

9) Are there any other proposed amendments pending on this Part? No.

10) Statement of Statewide Policy Objective? Not Applicable.

11) Time, Place and Manner in which interested persons may comment on this Proposed Rulemaking: All persons who submit a request to comment regarding this proposed amendment within 20 days after this notice has been published in the ILLINOIS REGISTER will be given a reasonable opportunity to submit data, views, arguments or comments. The request shall be addressed to:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

Gregory J. Ramel, Acting Commissioner
Illinois Department of Employment Security
401 South State Street - 2nd Floor South
Chicago, IL 60605
312-793-4240

12) Initial Regulatory Flexibility Analysis:

Date rules were submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 19, 1993.

Types of small businesses affected: All businesses subject to the Unemployment Insurance Act.

Reporting, bookkeeping or other procedures required for compliance: None.

Types of professional skills necessary for compliance: None.

The full text of the Proposed Amendment begins on the next page:

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

TITLE 56: LABOR AND EMPLOYMENT
CHAPTER IV: DEPARTMENT OF EMPLOYMENT SECURITY
SUBCHAPTER C: RIGHTS AND DUTIES OF EMPLOYERS

PART 2765

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DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

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AUTHORITY: Implementing and authorized by Sections 212, 302, 500, 601, 602, 603, 612, 701, 1400, 1401, 1402, 1403, 1404, 1405, 1502.1, 1503, 1507, 1508, 1509, 1700, 1701, 2201, 2201.1 and 2600

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

of the Unemployment Insurance Act, as amended by P. A. 87-1178, effective September 22, 1992 (Ill. Rev. Stat. 1991, ch. 48, pars. 322, 382, 420, 431, 432, 433, 442, 451, 550, 551, 552, 553, 554, 555, 572.1, 573, 577, 578, 579, 610, 611, 681, 681.1 and 750) [820 ILCS 405/212, 405/302, 405/500, 405/601, 405/602, 405/603, 405/612, 405/701, 405/1400, 405/1401, 405/1402, 405/1403, 405/1404, 405/1405, 405/1502.1, 405/1503, 405/1507, 405/1508, 405/1509, 405/1700, 405/1701, 405/2201, 405/2201.1 and 405/2600].

SOURCE: Adopted at 6 Ill. Reg. 3863, effective March 31, 1982; amended at 7 Ill. Reg. 13266, effective September 28, 1983; recodified at 8 Ill. Reg. 15027; amended at 11 Ill. Reg. 3972, effective February 23, 1987; amended at 11 Ill. Reg. 11743, effective June 26, 1987; amended at 11 Ill. Reg. 12882, effective July 22, 1987; emergency amendments at 12 Ill. Reg. 225, effective January 1, 1988, for a maximum of 150 days, expired May 30, 1988; amended at 12 Ill. Reg. 11740, effective July 5, 1988; amended at 12 Ill. Reg. 17342, effective October 12, 1988; amended at 12 Ill. Reg. 20484, effective November 28, 1988; emergency amendments at 13 Ill. Reg. 11911, effective July 1, 1989, for a maximum of 150 days; amended at 13 Ill. Reg. 17410, effective October 30, 1989; amended at 14 Ill. Reg. 6218, effective April 16, 1990; amended at 14 Ill. Reg. 19886, effective November 29, 1990; amended at 15 Ill. Reg. 185, effective December 28, 1990; amended at 15 Ill. Reg. 11122, effective July 19, 1991; amended at 16 Ill. Reg. 2131, effective January 27, 1992, 1992; 16 Ill. Reg. 12165, effective July 20, 1992; amended at 17 Ill. Reg. 308, effective December 28, 1992; amended at 17 Ill. Reg. 614, effective January 4, 1993; amended at 17 Ill. Reg. _____, effective _____, 1993.

SUBPART A: GENERAL PROVISIONS

Section 2765.71 Waiver Of Interest Accruing Due To A Delay In The Issuance Of A Decision On A Protested Determination And Assessment

- a) The Director shall find good cause for the waiver of all interest, accrued upon unpaid contributions which are due and owing pursuant to a Determination and Assessment for any period from the 181st day after the date on which the employer filed its sufficient Petition in protest to such Determination and Assessment (see 56 Ill. Adm. Code 2725.110) to 60 days after the date of the Decision of the Director in the matter (see 56 Ill. Adm. Code 2725.280), but only to the extent that the delay was not caused by the employer or its agent.

- 1) Example: The employer files its sufficient Petition to protest a Determination and Assessment

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

on March 1, 1993. After completion of the administrative process within the Department, a Decision of the Director, affirming the Determination and Assessment, is issued on October 15, 1993. Pursuant to this subsection, this employer will be entitled to a waiver of interest from August 29, 1993 (the 181st day after the date on which the employer filed its Petition) to December 14, 1993.

- 2) Example: The employer files a sufficient Petition to protest a Determination and Assessment on March 1, 1993. A hearing is scheduled for April 1, 1993. The employer's accountant is not available on April 1, 1993, so the employer requests a continuance until April 5, 1993. Because the Director's Representative already has hearings scheduled for the month of April, a continuance is granted until May 12, 1993, the next available hearing date. After completion of the administrative process within the Department, a Decision of the Director, affirming the Determination and Assessment is issued on October 15, 1993. Pursuant to this subsection, this employer will be entitled to a waiver of interest from October 9, 1993 (the 181st day after the date on which the employer filed its petition plus the 41 day delay attributable to the employer's request for a continuance) to December 14, 1993.
- 3) Example: An employer association requests that the Director not make any decisions on Determination and Assessments based on a particular issue while the legislature is discussing a possible change in the statute on that issue. Any delays in issuing decisions on that particular issue caused by the Director agreeing to hold such cases are not attributable to the employer or its agent.
- 4) Example: On March 1, 1993, an employer files a sufficient Petition to protest a Determination and Assessment. A hearing is held on April 1, 1993. At the conclusion of the hearing, the employer's attorney requests 45 days in which to submit a brief in support of its position. Because this additional delay is attributable to the agent of the employer, these additional days are added in determining the extent of waiver to be granted to this employer.

DEPARTMENT OF EMPLOYMENT SECURITY

NOTICE OF PROPOSED AMENDMENT(S)

- b) The provisions of Section 2765.74 shall not be applicable to requests for waiver under this Section.
- c) The payment of all contributions assessed, all penalties due and any interest not subject to waiver, within 60 days from the date of the Decision of the Director, is a condition precedent to a waiver of interest pursuant to this Section.

Example: The Director issues a Decision affirming the Determination and Assessment on March 1, 1993. In this Decision, the Director grants conditional waiver pursuant to this Section from October 15, 1992 to April 30, 1993. If this employer has not yet paid this assessment, it has until April 30, 1993 to pay the contributions due. If the contributions are not paid by April 30, 1993, the condition precedent is not met, and the employer is not entitled to waiver under this Section.

- d) The granting of waiver under this Section, does not foreclose the granting of waiver to the employer under another Section of this Part for another period.
- e) In a case where no objection is filed to the Recommended Decision of the Director's Representative and that Recommended Decision becomes the Decision of the Director pursuant to Section 2725.270(d), the date of the Director's Decision shall be the date on which the Recommended Decision of the Director's Representative becomes the Decision of the Director.

Example: The Recommended Decision of the Director's Representative is issued on October 1, 1993. If no objections are filed by October 21, 1993, the Recommended Decision becomes the Decision of the Director on October 22, 1993. October 22, 1993 is the date of the Decision of the Director.

(Source: Added at 17 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

- 1) Heading of the Part: Actuarial Qualification
- 2) Code Citation: 50 Ill. Adm. Code 920
- 3) Section Numbers: Proposed Action:
920.10 Repealed
920.20 Repealed
- 4) Statutory Authority: Implementing Sections 133 and 136 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 745, 748 and 1013) [215 ILCS 5/133, 5/136 and 5/1013].
- 5) A Complete Description of the Subjects and Issues Involved:
The Department is repealing Part 920 because the actuarial qualifications are incorporated in the statutory provisions of Section 136 of the Illinois Insurance Code. This Department relies upon the annual financial statement instructions and the Accounting Practices and Procedures Manual which the National Association of Insurance Commissioners (NAIC) has adopted.
- 6) Will this proposed rule replace emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed repealer contain incorporations by reference? No.
- 9) Are there any other proposed amendments pending on this Part? No.
- 10) Statement of Statewide Policy Objectives: This repealer will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

David Van Lieshout
Assistant Chief Counsel
Department of Insurance
320 West Washington
Springfield, Illinois 62767

- 12) Initial Regulatory Flexibility Analysis: The Department has determined that this proposed repealer will not affect small businesses.

The full text of the Proposed Repealer begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED REPEALER

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 1: PROVISIONS APPLICABLE TO ALL COMPANIES

PART 920
ACTUARIAL QUALIFICATION

Section
920.10 Authority and Effective Date
920.20 Purpose and Qualifications

AUTHORITY: Implementing Sections 133 and 136 and authorized by Section 401 of the Illinois Insurance Code (Ill. Rev. Stat. 1991, ch. 73, pars. 745, 748 and 1013) [215 ILCS 5/133, 5/136 and 5/1013]

SOURCE: Filed February 10, 1972, effective March 1, 1972; codified at 6 Ill. Reg. 14341, repealed at 17 Ill. Reg. effective _____.

Section 920.10 Authority and Effective Date

This Rule is promulgated and adopted pursuant to and in accordance with Section 401 of the Illinois Insurance Code in order to implement Sections 133 and 136 of the Illinois Insurance Code. This Rule is effective March 1, 1972.

Section 920.20 Purpose and Qualifications

The purpose of this Rule is to assure that any person acting as an actuary or representing himself as one, and who signs or certifies any document or statement required to be filed with the Director of Insurance, shall be properly qualified to competently perform actuarial duties. To be considered by the Director of Insurance to be properly qualified to competently perform actuarial duties, one must either establish to the satisfaction of the Director that he:

- a) is a member in good standing of the American Academy of Actuaries; or
- b) has both the educational background necessary for the practice of actuarial science and at least seven years of actuarial experience.

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: PRIMARY DRINKING WATER STANDARDS

2) Code Citation: 35 Ill. Adm. Code 611

3) Section Numbers: Proposed Action:

611.101, 611.102, 611.110 Amended
 611.111, 611.112, 611.113 Amended
 611.130 Added
 611.280, 611.290 Amended
 611.297 Added
 611.300, 611.301, 611.311 Amended
 611.350, 611.351, 611.352 Added
 611.353, 611.354, 611.355 Added
 611.356, 611.357, 611.358 Added
 611.359, 611.360, 611.361 Added
 611.321, 611.360, 611.611 Amended
 611.612, 611.630, 611.640 Amended
 611.646, 611.647, 611.648 Amended
 611.App. A Added
 611.Tab. D Renumbered, Added
 611.Tab. E, 611.Tab. F Added
 611.Tab. G Added
 611.Tab. Z Renumbered, Amended

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, pars. 1017, 1017.5 and 1027 [415 ILCS 5/17, 5/17.5 and 5/27].

5) A Complete Description of the Subjects and Issues Involved:

A more detailed description is contained in the Board's Opinion of February 4, 1993 in R92-3, which Opinion is available from the address below. Sections 7.2 and 17.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1007.2 and 1017.5 [415 ILCS 5/7.2 and 5/17.5]) provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's Safe Drinking Water Act (SDWA) drinking water rules to correspond with amendments adopted by USEPA which appeared in the Federal Register during the period June 1, 1991 through December 31, 1991. This primarily includes the federal phase IIB amendments and Lead and Copper rules. The Federal Registers used are listed as follows:

56 Fed. Reg. 26547	June 7, 1991	(Lead and copper rules)
56 Fed. Reg. 30266	July 1, 1991	(Phase IIB rules)
56 Fed. Reg. 32113	July 15, 1991	(Lead and copper corrections)
57 Fed. Reg. 22178	May 27, 1992	(Phase IIB partial stay)
57 Fed. Reg. 28787	June 29, 1992	(Lead and copper corrective amendments)

The present rulemaking would amend the Illinois SDWA regulations to initiate a lead and copper control program that is identical-in-substance to the federal lead and copper program. It would also revise

POLLUTION CONTROL BOARD

NOTICE OF PROPOSED AMENDMENTS

one inorganic MCL, for barium, and add new MCLs for four synthetic organic contaminants: aldicarb, aldicarb sulfone, aldicarb sulfide, and pentachlorophenol. Additional, less significant amendments make corrections to existing segments of the Illinois drinking water rules to maintain the stringency of the state program and to assure its consistency with the federal rules.

On June 7, 1991, at 56 Fed. Reg. 26547, USEPA added an entire new subpart relating to control of lead and copper at consumer taps. This caused the former MCL for lead to expire on November 9, 1992, the effective date of the lead and copper rules. New federal Subpart I instituted a complex scheme for control of the appearance of lead (and copper) at consumers' taps. USEPA divided the regulated universe of suppliers into large, medium-sized, and small, depending on the number of persons they serve. The effective date and effect of the substantive regulations depends on the size of the supplier's system.

Before the applicable monitoring effective date (January 1, 1992 to July 1, 1993, depending on supplier size), each supplier must have completed a materials assessment of its distribution system, intended to select a set of targeted sampling locations. The greater the number of persons served by the supplier, the greater the number of sites the supplier must sample. The pool of possible sampling sites is divided into various "tiers", depending on such factors as whether or not the site is a single-family residential building, whether it has copper pipe with lead solder installed before 1983 or after 1982, and whether or not it is served by a lead service line. Under ordinary circumstances, a supplier is required to exclusively use tier 1 sampling sites, which represents a "worst case" for potential lead and copper contamination. If a non-transient, non-community water system supplier has insufficient tier 1 sites, or under other limited circumstances, it must use its tier 2 or alternative sites. If the supplier's system has lead service lines, half of its sampling pool must have lead service lines and half copper pipe with lead solder.

During the initial phases of monitoring, the supplier must sample each site every six months, using the same sites in subsequent six-month monitoring periods. The supplier is to ascertain the "ninetieth-percentile level" for lead and copper in its system based on the monitoring data (by rank-ordering the data and selecting that result that corresponds to the ninetieth percentile of all the data). Sampling locations will vary with the type of monitoring. The tap water sampling for lead and copper occurs at consumers' taps. Source water sampling occurs at entry points to the distribution system (a sampling location established in the Phase II rules in docket R91-3). Corrosion control sampling occurs at both consumers' taps and at entry points (on a biweekly basis).

Suppliers must "optimize corrosion control" in their distribution systems or undertake "corrosion control treatment steps". The state (the Agency) may deem a supplier as having optimized corrosion control if the supplier provides certain information that demonstrates that it has engaged in steps equivalent to the applicable corrosion control steps. Alternatively, a small or medium-sized supplier that has met the lead and copper action levels for two consecutive six-month monitoring periods is deemed to have optimized corrosion control (and may even cease further corrosion control steps it has already undertaken immediately after it has done so, but it must begin again where it left

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off if it subsequently exceeds either action level). Finally, a supplier that can demonstrate, based on two monitoring periods, data, that the difference between its source water lead level and its nineteenth-percentile lead level is less than the "practical quantitation level" for lead (0.005 mg/l) is deemed to have optimized corrosion control.

The deadlines for undertaking the various corrosion control treatment steps varies with the size of the supplier's system. Large system suppliers must adhere to a schedule that requires completion of two periods of monitoring by January 1, 1993; completion of corrosion control studies by July 1, 1993; state (Agency) approval of optimal corrosion control for the supplier by January 1, 1994; installation of optimal corrosion control by January 1, 1997; completion of follow-up sampling by January 1, 1998; state designation of "optimal water quality control parameters" by July 1, 1998; and continued to operation in compliance with the specified water quality control parameters and continuing tap-water sampling. Medium-sized and small system suppliers must adhere to a similar, but more liberal schedule that actually begins when the supplier exceeds the lead or copper action level, and proceeds through steps for up to 120 months, depending on supplier size, until it results in operation in compliance with the state-specified water quality control parameters. Each supplier required to undertake corrosion control studies must evaluate the effectiveness of certain treatment processes in its system (alkalinity and pH adjustment, calcium hardness adjustment, and addition of phosphate- or silicate-based corrosion inhibitors). The supplier must report certain analytical results for water quality control parameters from its testing to the state (lead, copper, pH, alkalinity, calcium, conductivity, temperature, and any inhibitor residual), as well as any chemical or physical constraints on using a treatment method. After the state (Agency) has specified the water quality control parameters, a large system supplier must commence monitoring the parameters every six-month monitoring period. A medium-sized or small system supplier must monitor during each six-month monitoring period in which it exceeds the lead or copper action level in tap water sampling. The number of water quality control parameter samples a supplier must collect varies with the size of its distribution system. In addition to the semi-annual tap water samples, the supplier must sample each entry point to the distribution system on a biweekly basis. A state must review its determination and modify it when it determines (on its own initiative or on request) that such is necessary to ensure optimal corrosion control. USEPA has reserved the prerogative of reviewing state determinations.

In addition to applying optimal corrosion control, a supplier that exceeds either the lead or copper action level must fulfill certain source water monitoring and treatment requirements. A source that exceeds either the lead or the copper action level must undertake steps to implement source water treatment within specified times, with overall completion within 52 months.

Another activity required of suppliers relates to the replacement of lead service lines. A supplier that has implemented optimal corrosion control or source water treatment, and which still exceeds the lead or copper action level, must undertake a program of replacing the lead service lines in its distribution system. The system must annually replace at least seven percent of the original number of lead service lines in its distribution system. The state may also require a supplier

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that fails to install optimal corrosion control or source water treatment when required to do so to begin lead service line replacement. The first year of service line replacement begins on the date the supplier exceeds the lead or copper action level. The state (Agency) may stipulate a shorter replacement schedule than seven percent per year if it determines that this is feasible for the supplier.

Finally, a supplier that exceeds the lead action level in tap water samples must begin a public education program. The federal rules specify the content of the printed and broadcast notices that the supplier must disseminate as part of this program. The notices set forth information on the health effects of lead, instruct the consumer how to obtain help in reducing the amount of lead in their homes, plumbing systems and the amount consumed, how to reduce corrosion in their plumbing systems, how to obtain laboratory analyses for lead in their water, and how to have children tested for lead accumulation. The supplier is to begin its public education program within 60 days of when it fails to meet the lead action level in tap water samples. The supplier must insert the specified information into customers' water bills; submit the information to the major local newspapers; and deliver the information to local schools, health departments, to certain local childrens' and womens' programs, to local hospitals and clinics, to local pediatricians, to local family planning clinics, and to local welfare agencies. The supplier must submit the information to at least five local radio and television stations serving the area. The supplier must periodically repeat this dissemination. A supplier can discontinue public education if it met the lead action level in the most recent monitoring period. If, as a result of this public education effort, a consumer requests an analysis for lead in its tap water, the supplier must collect the sample.

There are also provisions in the federal lead and copper rules for reduced monitoring (aside from those that allow the cessation of corrective measures already begun if the supplier subsequently meets the actions levels). If a medium-sized or small system supplier meets the lead and copper action levels for each of two consecutive monitoring periods, it may reduce the number of tap water samples it collects and reduce the frequency to annual. The state may allow any supplier that maintains its water quality control parameters for each of two consecutive monitoring periods to reduce its tap water monitoring frequency and the number of samples it takes. Further, a medium-sized or small system supplier that meets the lead and copper action levels and any supplier that meets its water quality control parameters (with state permission) for each of three annual (reduced frequency) monitoring periods may further reduce its tap water monitoring frequency to once every three years. As with standard monitoring, the number of required reduced-frequency samples a supplier must take varies with the size of its distribution system.

Similarly, there are provisions for reduced monitoring for water quality parameters. A system that maintains the range of values for its water quality control parameters that reflects optimal corrosion control during each of two consecutive monitoring periods may collect samples every six months from a reduced number of sites. After three consecutive years of monitoring (six consecutive six-month monitoring periods) that demonstrates that the supplier has maintained optimal corrosion control, the supplier may reduce its frequency to annual, collecting the samples evenly throughout the year to reflect seasonal

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variations. After another three consecutive years (three annual rounds) of maintaining the range of values for optimal corrosion control, a supplier may reduce its monitoring frequency to triennial (annual in the original, since corrected). If the supplier on reduced water quality control parameter monitoring fails to maintain optimal corrosion control, it must resume standard semi-annual monitoring in the next subsequent six-month monitoring period.

The lead and copper rules amend the analytical procedures for lead and inactivate procedures for copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature. They also impose recordkeeping and reporting requirements. Another important aspect of the federal amendments is the imposition of limitations on the state's discretion in granting variances or exemptions (adjusted standards) from the general lead and copper rules. These include restrictions on the requirement for the use of bottled water or point-of-use devices as a condition to relief. Essentially, these amendments restrict the state's discretion as to when the use of bottled water or point-of-use devices is possible, and they impose quality control requirements on the use of bottled water.

On July 1, 1991, at 56 Fed. Reg. 30274, USEPA promulgated the federal Phase IIB rules. Since these amendments were interspersed with corrections to the Phase II rules, the Board dealt with many of them in the November 19, 1992 order in docket R91-3, effective December 1, 1992 (16 Ill. Reg. 19010, Dec. 11, 1992). The still outstanding federal amendments related to the establishment of one revised and four new MCLs for chemical contaminants. USEPA established a revised MCL for one inorganic chemical contaminant, barium, and for four SOCs: aldicarb, aldicarb sulfone, aldicarb sulfide, and pentachlorophenol. This includes the standard public notices for each of these contaminants.

On July 15, 1991, at 56 Fed. Reg. 32113, USEPA made certain corrections to the lead and copper rules. These corrections changed the effective date for the lead and copper rules to December 7, 1992 for the corrosion control treatment, source water treatment, lead service line replacement, and public education requirements and the expiration of the old MCL for lead (from November 9, 1992, leaving the effective date for monitoring at July 7, 1991.) The corrections also modified a provision for consumer sampling that obviated the consumer handling nitric acid to preserve the samples.

On May 27, 1992, at 57 Fed. Reg. 22178, USEPA imposed a partial stay of certain of the July 1, 1991 Phase IIB regulations. USEPA stayed the new MCLs for three of the SOCs: aldicarb, aldicarb sulfide, and aldicarb sulfone. In staying the substantive limitations for these contaminants, USEPA left the monitoring and certain of the public notice requirements for these contaminants intact. This action did not affect the MCLs for barium and pentachlorophenol.

Finally, on June 29, 1992, at 57 Fed. Reg. 28787, USEPA made corrective amendments to the lead and copper rules. These amendments change the effective date statement so that section 141.80, the federal general provisions section, became effective on December 7, 1992. It corrected cross-referenced, sample names, a reference to a threshold level, spelling, a system size reference, and a reference to an analytical method. More substantively, the amendments imposed a

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limitation on analysis of consumer-obtained samples until at least 28 hours after acidification. They also provide that a supplier required to resume standard tap monitoring for lead and copper is also required to resume standard water quality parameter monitoring. Finally, the corrective amendments changed the reduced frequency for water quality parameter monitoring after three consecutive years of annual testing from annual to triennial.

In preparing the proposal for public comment, the Board managed to retain most of the federal language and structure intact. Areas where deviations occurred are outlined in the Board's opinion of February 4, 1993, available as described above. In addition, the Board has responded to comments from the Agency relative to existing rules. Although the federal rules did not include a MCL for copper, the existing Illinois regulations did. A Board Note explains the parallel existence of this MCL and the federal lead and copper scheme. Although the Board did not propose the deletion, the Agency has suggested that we do so to maintain consistency with the federal rules. At the Agency's suggestion, the Board has proposed correcting the inadvertent inclusion of a reduced monitoring scheme for total coliforms that we included in the earlier docket, R88-26 (14 Ill. Reg. 16517, Oct. 5, 1990). The federal rules allowed the states to permit suppliers to reduce monitoring, but did not require them to do so. The Agency position has been that the state may adopt (retain) more stringent standards, and it believes the reduced monitoring does not adequately protect human health.

6) Will these proposed amendments replace emergency amendments currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does these proposed amendments contain incorporations by reference?

Yes. Section 611.102 contains the incorporations by reference for this Part. It incorporates several references, mostly analytical methods and procedures used in numerous of the other Sections. The present update would extensively amend the incorporations by reference.

9) Are there any other amendments pending on this Part? No.

10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 17.5 of the Environmental Protection Act. The statewide policy objectives are set forth in Section 11 of that Act. This rulemaking imposes mandates on units of local government to the extent they supply drinking water to at least 25 of the same persons over 6 months per year.

Time, Place and Manner in which interested persons may comment on this Proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R92-3 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board

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State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: February 8, 1993.

B) Types of small businesses affected:

This rulemaking will affect only those small businesses that supply drinking water to at least 25 of the same persons over 6 months per year.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing drinking water rules impose significant reporting, bookkeeping, and other procedures on small businesses that supply drinking water to at least 25 of the same persons over 6 months per year. The proposed amendments add to that existing burden in two ways: They increase the number of chemical contaminants by adding five new contaminants for which these requirements apply, and they would institute a new regulatory scheme for controlling the occurrence of lead and copper in drinking water that include significant new requirements.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules and proposed amendments may require small businesses that supply drinking water to at least 25 of the same persons over 6 months per year to employ the services of an attorney, certified public accountant, chemist and registered professional engineer.

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER I: POLLUTION CONTROL BOARD

PART 611

PRIMARY DRINKING WATER STANDARDS

SUBPART A: GENERAL

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611.101	Incorporations by Reference
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SUBPART B: FILTRATION AND DISINFECTION

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611.241	Unfiltered PWSs
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611.261	Unfiltered PWSs: Reporting and Recordkeeping
611.262	Filtered PWSs: Reporting and Recordkeeping
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SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES

Section	Purpose, Scope and Applicability
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SUBPART D: TREATMENT TECHNIQUES

Section	Purpose, Scope and Applicability
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Corrosion ControlSUBPART F: MAXIMUM CONTAMINANT LEVELS (MCL's)

Old MCLs for Inorganic Chemicals
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 Turbidity
 Microbiological Contaminants
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SUBPART G: LEAD AND COPPER

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Applicability of Corrosion Control
Corrosion Control Treatment
Source Water Treatment
Lead Service Line Replacement
Public Education and Supplemental Monitoring
Tap Water Monitoring for Lead and Copper
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Analytical Methods
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SUBPART K: GENERAL MONITORING AND ANALYTICAL REQUIREMENTS

Alternative Analytical Techniques
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SUBPART L: MICROBIOLOGICAL MONITORING AND ANALYTICAL REQUIREMENTS

Routine Coliform Monitoring
Repeat Coliform Monitoring
Invalidation of Total Coliform Samples
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Response to Violation
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SUBPART M: TURBIDITY MONITORING AND ANALYTICAL REQUIREMENTS

Turbidity

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Applicability
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- 611.Appendix A Mandatory Health Effects Information
 611.Appendix B Percent Inactivation of G. Lamblia Cysts
 611.Appendix C Common Names of Organic Chemicals
 611.Appendix D Defined Substrate Method for the Simultaneous Detection of Total Coliforms and Escherichia Coli from Drinking Water
 611.Appendix E Mandatory Lead Public Education Information
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 611.Table F Number of Water Quality Parameter Sampling Sites
 611.Table G Summary of Monitoring Requirements for Water Quality Parameters
 611.Table H Federal Effective Dates

AUTHORITY: Implementing Sections 17 and 17.5 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, pars. 1017, 1017.5 and 1027 [415 ILCS 5/17, 5/17.5 and 5/27]).

SOURCE: Adopted in R88-26 at 14 Ill. Reg. 16517, effective September 20, 1990; amended in R90-21 at 14 Ill. Reg. 20448, effective December 11, 1990; amended in R90-13 at 15 Ill. Reg. 1562, effective January 22, 1991; amended in R91-3 at 16 Ill. Reg. 19010, December 1, 1992; amended in R92-3 at 17 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL

Section 611.101 Definitions

As used in this Part, the term:

"Act" means the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1001 et seq. [415 ILCS 5/1 et seq.])

"Agency" means the Illinois Environmental Protection Agency.
BOARD NOTE: The Department of Public Health ("Public Health") regulates non-community water supplies ("non-CWSS"), including non-transient, non-community water supplies ("NTNCWSS") and transient non-community water supplies ("transient non-CWSS"). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" shall mean Public Health.

"Ai" means "inactivation ratio".

"Best available technology" or "BAT" means the best technology, treatment techniques or other means that USEPA has found are available for the contaminant in question. BAT is specified in Subpart F.
BOARD NOTE: Derived from 40 CFR 141.2 (1991±2).

"Board" means the Illinois Pollution Control Board.

"CAS No" means "Chemical Abstracts Services Number".

"CT" or "CT_{ak}" is the product of "residual disinfectant

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first customer, and the corresponding "disinfectant contact time" (T) in minutes. If a supplier applies disinfectants at more than one point prior to the first customer, it shall determine the CT of each disinfectant sequence before or at the first customer to determine the total percent inactivation or "total inactivation ratio". In determining the total inactivation ratio, the supplier shall determine the RDC of each disinfection sequence and corresponding contact time before any subsequent disinfection application point(s). (See "CT₉₉")
BOARD NOTE: Derived from 40 CFR 141.2 (1991±2).

"CT₉₉" is the CT value required for 99.9 percent (3-log) inactivation of giardia lamblia cysts. CT₉₉ for a variety of disinfectants and conditions appear in Tables 1.1-1.6, 2.1 and 3.1 of Section 611.Appendix B. (See "Inactivation Ratio".)
BOARD NOTE: Derived from the definition of "CT" in 40 CFR 141.2 (1991±2).

"Coagulation" means a process using coagulant chemicals and mixing by which colloidal and suspended materials are destabilized and agglomerated into flocs.
BOARD NOTE: Derived from 40 CFR 141.2 (1991±2).

"Community Water System" or "CWS" means a public water system (PWS) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
BOARD NOTE: Derived from 40 CFR 141.2 (1991±2). This definition differs slightly from that of Section 3.05 of the Act.

"Compliance cycle" means the nine-year calendar year cycle during which public water systems (PWS) must monitor. Each compliance cycle consists of three three-year compliance periods. The first calendar cycle begins January 1, 1993, and ends December 31, 2001; the second begins January 1, 2002 and ends December 31, 2010; the third begins January 1, 2011, and ends December 31, 2019.
BOARD NOTE: Derived from 40 CFR 141.2 (1991±2).

"Compliance period" means a three-year calendar year period within a compliance cycle. Each compliance cycle has three three-year compliance periods. Within the first compliance cycle, the first compliance period runs from January 1, 1993, to December 31, 1995; the second from January 1, 1996, to December 31, 1998; the third from January 1, 1999, to December 31, 2001.
BOARD NOTE: Derived from 40 CFR 141.2 (1991±2).

"Confluent growth" means a continuous bacterial growth covering the entire filtration area of a membrane filter or a portion thereof, in which bacterial colonies are not discrete.
BOARD NOTE: Derived from 40 CFR 141.2 (1991±2).

"Contaminant" means any physical, chemical, biological or radiological substance or matter in water.

BOARD NOTE: Derived from 40 CFR 141.2 (1991±2).

"Conventional filtration treatment" means a series of processes including coagulation, flocculation, sedimentation and filtration resulting in substantial particulate removal.

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BOARD NOTE: Derived from 40 CFR 141.2 (19942).

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

"Diatomaceous earth filtration" means a process resulting in substantial particulate removal in which:

"Distribution system" includes all points downstream of an "entry point" to the point of consumer ownership.

A precoat cake of diatomaceous earth filter media is deposited on a support membrane (septum); and

"Domestic or other non-distribution system plumbing problem" means a coliform contamination problem in a PWS with more than one service connection that is limited to the specific service connection from which the coliform-positive sample was taken.

While the water is filtered by passing through the cake on the septum, additional filter media known as body feed is continuously added to the feed water to maintain the permeability of the filter cake.

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

"Direct filtration" means a series of processes including coagulation and filtration but excluding sedimentation resulting in substantial particulate removal.

"Dose equivalent" means the product of the absorbed dose from ionizing radiation and such factors as account for differences in biological effectiveness due to the type of radiation and its distribution in the body as specified by the International Commission on Radiological Units and Measurements (ICRU).

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

"Disinfectant" means any oxidant, including but not limited to chlorine, chlorine dioxide, chloramines and ozone added to water in any part of the treatment or distribution process, that is intended to kill or inactivate pathogenic microorganisms.

"Entry point" means a point just downstream of the final treatment operation, but upstream of the first user and upstream of any mixing with other water. If raw water is used without treatment, the "entry point" is the raw water source. If a PWS receives treated water from another PWS, the "entry point" is a point just downstream of the other PWS, but upstream of the first user on the receiving PWS, and upstream of any mixing with other water.

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

"Disinfectant contact time" or "T" means the time in minutes that it takes for water to move from the point of disinfectant application or the previous point of RDC measurement to a point before or at the point where RDC is measured.

"Filtration" means a process for removing particulate matter from water by passage through porous media.

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

Where only one RDC is measured, T is the time in minutes that it takes for water to move from the point of disinfectant application to a point before or at where RDC is measured.

"Flocculation" means a process to enhance agglomeration or collection of smaller floc particles into larger, more easily settleable particles through gentle stirring by hydraulic or mechanical means.

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

Where more than one RDC is measured, T is:

"GC" means "gas chromatography" or "gas-liquid phase chromatography".

For the first measurement of RDC, the time in minutes that it takes for water to move from the first or only point of disinfectant application to a point before or at the point where the first RDC is measured and

"GC/MS" means gas chromatography (GC) followed by mass spectrometry (MS).

For subsequent measurements of RDC, the time in minutes that it takes for water to move from the previous RDC measurement point to the RDC measurement point for which the particular T is being calculated.

"Gross alpha particle activity" means the total radioactivity due to alpha particle emission as inferred from measurements on a dry sample.

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

T in pipelines must be calculated based on "plug flow" by dividing the internal volume of the pipe by the maximum hourly flow rate through that pipe.

"Gross beta particle activity" means the total radioactivity due to beta particle emission as inferred from measurements on a dry sample.

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

T within mixing basins and storage reservoirs must be determined by tracer studies or an equivalent demonstration.

"Groundwater under the direct influence of surface water" is as determined in Section 611.212.

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

"Disinfection" means a process that inactivates pathogenic organisms in water by chemical oxidants or equivalent agents.

"PWS" means "groundwater system", a public water supply (PWS) that uses only groundwater sources.

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BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) & 141.24(f)(2) note (19942).

"Halogen" means one of the chemical elements chlorine, bromine or iodine.

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

"HPC" means "heterotrophic plate count", measured as specified in Section 611.531(c).

"Inactivation Ratio" (Ai) means:

$$Ai = CT_{90}/CT_{99}$$

The sum of the inactivation ratios, or "total inactivation ratio" (B) is calculated by adding together the inactivation ratio for each disinfection sequence:

$$B = \sum(Ai)$$

A total inactivation ratio equal to or greater than 1.0 is assumed to provide a 3-log inactivation of *Giardia lamblia* cysts.

BOARD NOTE: Derived from the definition of "CT" in 40 CFR 141.2 (19942).

"Initial compliance period" means the three-year compliance period begins January 1, 1993.

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

"L" means "liter".

"Legionella" means a genus of bacteria, some species of which have caused a type of pneumonia called Legionnaires Disease.

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

"Man-made beta particle and photon emitters" means all radionuclides emitting beta particles and/or photons listed in Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure, NCRP Report Number 22, incorporated by reference in Section 611.102, except the daughter products of thorium-232, uranium-235 and uranium-238.

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

"Maximum contaminant level" ("MCL") means the maximum permissible level of a contaminant in water that is delivered to any user of a public water system. See Section 611.121.

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

"Maximum Total Trihalomethane Potential" or "MTP" means the maximum concentration of total trihalomethanes (TTHMs) produced in a given water containing a disinfectant residual after 7 days at a temperature of 25° C or above.

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

"MFL" means millions of fibers per liter larger than 10

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micrometers.

BOARD NOTE: Derived from 40 CFR 141.23(a)(4)(i) (19942).

"mg" means milligrams (1/1000th of a gram).

"mg/L" means milligrams per liter.

"Mixed system" means a PWS that uses both groundwater and surface water sources.

BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (19942).

"MUG" means 4-methylumbelliferyl-beta-D-glucuronide.

"Near the first service connection" means at one of the 20 percent of all service connections in the entire system that are nearest the public water system (PWS) treatment facility, as measured by water transport time within the distribution system.

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

"nm" means nanometer (1/1,000,000,000th of a meter).

"Non-community water system" or "NCWS" or "non-CWS" means a public water system (PWS) that is not a community water system (CWS).

BOARD NOTE: Derived from the definition of "public water system" in 40 CFR 141.2 (19942).

"Non-transient non-community water system" or "NTNCWS" means a public water system (PWS) that is not a community water system (CWS) and that regularly serves at least 25 of the same persons over 6 months per year.

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

"NPDWR" means "national primary drinking water regulation".

"NTU" means "nephelometric turbidity units".

"Old MCL" means one of the inorganic maximum contaminant levels (MCLs), codified at Section 611.300, or organic MCLs, codified at Section 611.310, including any marked as "additional state requirements."

BOARD NOTE: Old MCLs are those derived prior to the implementation of the USEPA "Phase II" regulations. The Section 611.640 definition of this term, which applies only to Subpart O, differs from this definition in that that definition does not include the Section 611.300 inorganic MCLs.

"P-A Coliform Test" means "Presence-Absence Coliform Test".

"Performance evaluation sample" means a reference sample provided to a laboratory for the purpose of demonstrating that the laboratory can successfully analyze the sample within limits of performance specified by the Agency; or, for bacteriological laboratories, Public Health; or, for radiological laboratories, the Illinois Department of Nuclear Safety. The true value of the concentration of the reference material is unknown to the laboratory at the time of the analysis.

BOARD NOTE: Derived from 40 CFR 141.2 (19942).

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"Person" means an individual, corporation, company, association, partnership, State, unit of local government or federal agency.
BOARD NOTE: Derived from 40 CFR 141.2 (1991).

"Phase I" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on July 8, 1987, at 52 Fed. Reg. 25712.

"Phase II" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on January 30, 1991, at 56 Fed. Reg. 3578.

"Phase IIB" refers to that group of chemical contaminants and the accompanying regulations promulgated by USEPA on July 1, 1991, at 56 Fed. Reg. 30266.

"PicoCurie" or "pCi" means the quantity of radioactive material producing 2.22 nuclear transformations per minute.
BOARD NOTE: Derived from 40 CFR 141.2 (1991).

"Point of disinfectant application" is the point at which the disinfectant is applied and downstream of which water is not subject to recontamination by surface water runoff.
BOARD NOTE: Derived from 40 CFR 141.2 (1991).

"Point-of-entry treatment device" is a treatment device applied to the drinking water entering a house or building for the purpose of reducing contaminants in the drinking water distributed throughout the house or building.
BOARD NOTE: Derived from 40 CFR 141.2 (1991).

"Point-of-use treatment device" is a treatment device applied to a single tap used for the purpose of reducing contaminants in drinking water at that one tap.
BOARD NOTE: Derived from 40 CFR 141.2 (1991).

"Public Health" means the Illinois Department of Public Health.
BOARD NOTE: The Department of Public Health ("Public Health") regulates non-community water supplies ("non-CWSs", including non-transient, non-community water supplies ("NTNCWSs") and transient non-community water supplies ("transient non-CWSs")). For the purposes of regulation of supplies by Public Health by reference to this Part, "Agency" shall mean Public Health.

"Public water system" or "PWS" means a system for the provision to the public of piped water for human consumption, if such system has at least fifteen service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year. A PWS is either a community water system (CWS) or a non-community water system (non-CWS). Such term includes:

Any collection, treatment, storage and distribution facilities under control of the operator of such system and used primarily in connection with such system, and;

Any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system.

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BOARD NOTE: Derived from 40 CFR 141.2 (1991).

"Reliably and consistently" below a specified level for a contaminant means an Agency determination based on analytical results following the initial detection of a contaminant to determine the qualitative condition of water from an individual sampling point or source. The Agency shall base this determination on the consistency of analytical results, the degree below the MCL, the susceptibility of source water to variation, and other vulnerability factors pertinent to the contaminant detected that may influence the quality of water.

BOARD NOTE: Derived from 40 CFR 141.23(b)(9), 141.24(f)(11)(ii), and 141.24(f)(11)(iii) (1991).

"Rem" means the unit of dose equivalent from ionizing radiation to the total body or any internal organ or organ system. A "millirem (mrem)" is 1/1000 of a rem.

BOARD NOTE: Derived from 40 CFR 141.2 (1991).

"Repeat compliance period" means a compliance period that begins after the initial compliance period.
BOARD NOTE: Derived from 40 CFR 141.2 (1991).

"Representative" means that a sample must reflect the quality of water that is delivered to consumers under conditions when all sources required to supply water under normal conditions are in use and all treatment is properly operating.

"Residual disinfectant concentration" ("RDC" or "c" in CT calculations) means the concentration of disinfectant measured in mg/L in a representative sample of water. For purposes of the requirement of Section 611.241(d) of maintaining a detectable RDC in the distribution system, "RDC" means a residual of free or combined chlorine.

BOARD NOTE: Derived from 40 CFR 141.2 (1991).

"SDWA" means the Public Health Service Act, as amended by the Safe Drinking Water Act, Pub. L. 93-523, 42 U.S.C. 300f et seq.

BOARD NOTE: Derived from 40 CFR 141.2 (1991).

"Sanitary survey" means an onsite review of the water source, facilities, equipment, operation and maintenance of a public water system (PWS) for the purpose of evaluating the adequacy of such source, facilities, equipment, operation and maintenance for producing and distributing safe drinking water.

BOARD NOTE: Derived from 40 CFR 141.2 (1991).

"Sedimentation" means a process for removal of solids before filtration by gravity or separation.

BOARD NOTE: Derived from 40 CFR 141.2 (1991).

"SEP" means special exception permit (Section 611.110).

"Slow sand filtration" means a process involving passage of raw water through a bed of sand at low velocity (generally less than 0.4 meters per hour (m/h)) resulting in substantial particulate removal by physical and biological mechanisms.
BOARD NOTE: Derived from 40 CFR 141.2 (1991).

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"SOC" or "Synthetic organic chemical contaminant" refers to that group of contaminants designated as "SOCs", or "synthetic organic chemicals" or "synthetic organic contaminants", in USEPA regulatory discussions and guidance documents. "SOCs" include alachlor, atrazine, carbofuran, chlordane, dibromomethylene (ethylene dibromide or EDB), dibromochloropropane (DBCP), heptachlor, heptachlor epoxide, lindane, methoxychlor, toxaphene, polychlorinated biphenyls (PCBs), 2,4-D, and 2,4,5-TP.

"Source" means a well, reservoir, or other source of raw water.

"Standard sample" means the aliquot of finished drinking water that is examined for the presence of coliform bacteria.
BOARD NOTE: Derived from 40 CFR 141.2 (19912).

"Supplier of water" or "supplier" means any person who owns or operates a public water system (PWS). This term includes the "official custodian".
BOARD NOTE: Derived from 40 CFR 141.2 (19912).

"Surface water" means all water that is open to the atmosphere and subject to surface runoff.
BOARD NOTE: Derived from 40 CFR 141.2 (19912).

"SWS" means "surface water system", a public water supply (PWS) that uses only surface water sources, including "groundwater under the direct influence of surface water".
BOARD NOTE: Drawn from 40 CFR 141.23(b)(2) and 141.24(f)(2) note (19912).

"System with a single service connection" means a system that supplies drinking water to consumers via a single service line.
BOARD NOTE: Derived from 40 CFR 141.2 (19912).

"Too numerous to count" means that the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.
BOARD NOTE: Derived from 40 CFR 141.2 (19912).

"Total trihalomethanes" or "TTHM" means the sum of the concentration of trihalomethanes (THMs), in milligrams per liter (mg/L), rounded to two significant figures.
BOARD NOTE: Derived from the definition of "total trihalomethanes" in 40 CFR 141.2 (19912). See the definition of THMs for a listing of the four compounds that USEPA considers TTHMs to comprise.

"Transient, non-community water system" or "transient non-CWS" or "TNCWS" means a public water system (PWS) that is neither a community water system ("CWS") nor a non-transient, noncommunity water system ("TNCWS").
BOARD NOTE: The federal regulations apply to all "public water systems", which are defined as all systems having at least 15 service connections or regularly serving water to at least 25 persons. See 42 U.S.C. §300f(4). The Act mandates that the Board and the Agency regulate "public water supplies", which it defines as having at least 15 service connections or regularly serving 25 persons daily at least 60 days per year. See Ill. Rev. Stat. 1991

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ch. 111, par. 1003.28 [415 ILCS 5/3.28]. The Department of Public Health regulates transient non-community water systems.

"Treatment" means any process that changes the physical, chemical, microbiological, or radiological properties of water, is under the control of the supplier, and is not a "point of use" or "point of entry treatment device" as defined in this Section. "Treatment" includes, but is not limited to aeration, coagulation, sedimentation, filtration, activated carbon treatment, disinfection, and fluoridation.

"Trihalomethane" or "THM" means one of the family of organic compounds, named as derivatives of methane, in which three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. The THMs are:

Trichloromethane (chloroform),

Dibromochloromethane,

Bromodichloromethane and

Tribromomethane (bromoform)

BOARD NOTE: Derived from the definitions of "total trihalomethanes" and "trihalomethanes" in 40 CFR 141.2 (19912).

"µg" means micrograms (1/1,000,000th of a gram).

"USEPA" means the U.S. Environmental Protection Agency.

"Virus" means a virus of fecal origin that is infectious to humans by waterborne transmission.

"VOC" or "volatile organic chemical contaminant" refers to that group of contaminants designated as "VOCs", or "volatile organic chemicals" or "volatile organic contaminants", in USEPA regulatory discussions and guidance documents. "VOCs" include benzene, tetrachloromethane (carbon tetrachloride), trichloroethylene, vinyl chloride, 1,1,1-trichloroethane (methyl chloroform), 1,1-dichloroethylene, 1,2-dichloroethane, cis-1,2-dichloroethylene, ethylbenzene, monochlorobenzene, o-dichlorobenzene, styrene, tetrachloroethylene, toluene, trans-1,2-dichloroethylene, xylene, and 1,2-dichloropropane.
BOARD NOTE: Derived from 40 CFR 141.2 (19912).

"Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with the ingestion of water from a public water system (PWS) that is deficient in treatment, as determined by the appropriate local or State agency.
BOARD NOTE: Derived from 40 CFR 141.2 (19912).

"Wellhead Protection Program" means the wellhead protection program for the State of Illinois, approved by USEPA under Section 1428 of the SDWA.

BOARD NOTE: Derived from 40 CFR 141.71(b) (19912). The wellhead

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protection program will include the "groundwater protection needs assessment" under Section 17.1 of the Act, and regulations to be adopted in 35 Ill. Adm. Code 615 et seq.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 611.102 Incorporations by Reference

- a) Abbreviations. The following abbreviated names are used in this Part to refer to materials incorporated by reference:

"Atomic Absorption-Platform Furnace Method" or "AA-Platform Furnace Method" means "Determination of Trace Elements by Stabilized Temperature Graphite Furnace Atomic Absorption Spectrometry -- Method 200.9"

"AEPA-1 Polymer" is available from Advanced Polymer Systems.

"Asbestos Methods" means "Analytical Method for Determination of Asbestos Fibers in Water", available from NTIS.

"ASTM" means American Society for Testing and Materials

"USEPA Inorganic Methods" means "Methods for Chemical Analysis of Water and Wastes", available from NTIS and ORD Publications.

"USEPA Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water", available from NTIS.

"Indigo method" is as described in "Standard Methods", 17th Edition, Method 4500-O₃ B.

"Inductively Coupled Plasma-Mass Spectrometry Method" or "ICP-MS Method" means "Determination of Trace Elements in Water and Wastes by Inductively-Coupled Plasma-Mass Spectrometry -- Method 200.8"

"Inductively Coupled Plasma Method 200.7" or "ICP Method 200.7" means "Inductively Coupled Plasma-Atomic Emission Spectrometric Method for Trace Element Analysis in Water and Wastes -- Method 200.7, with appendix" See 40 CFR 136, Appendix C.

"Inductively Coupled Plasma Method 200.7, Rev. 3.2" or "ICP Method 200.7, Rev. 3.2" means "Determination of Metals and Trace Elements in Water and Wastes by Inductively Coupled Plasma-Atomic Emission Spectrometry -- Method 200.7, Revision 3.2" See 40 CFR 136, Appendix C.

"Inorganic Methods" means "Methods for Chemical Analysis of Water and Wastes", available from NTIS and ORD Publications.

"Ion Chromatography Method 300.0" means "Determination of Inorganic Ions in Water by Ion Chromatography -- Method

300.0"

"Microbiological Methods" means "Microbiological Methods for Monitoring the Environment, Water and Wastes", available from NTIS.

"MMO-MUG Test" means "minimal medium ortho-nitrophenyl-beta-d-galactopyranoside-4-methyl-umbelliferyl-beta-d-glucuronide test", available from EnviroNetics, Inc.

"NCRP" means "National Council on Radiation Protection".

"NTIS" means "National Technical Information Service".

"Organic Methods" means "Methods for the Determination of Organic Compounds in Drinking Water", available from NTIS.

"Radiochemical Methods" means "Interim Radiochemical Methodology for Drinking Water", available from NTIS.

"Standard Methods", means "Standard Methods for the Examination of Water and Wastewater", available from the American Waterworks Association.

"Technicon Methods" means "Fluoride in Water and Wastewater", available from Technicon.

"USGS Method" means "United States Geological Survey Method"

- b) The Board incorporates the following publications by reference:

Access Analytical Systems, Inc., See EnviroNetics, Inc.

ASTM. American Society for Testing and Materials, 1976 Race Street, Philadelphia, PA 19103 215/299-5585:

ASTM Method D511-88A and B, "Standard Test Methods for Calcium and Magnesium in Water", approved 1988.

ASTM Method D515-88A, "Standard Test Methods for Phosphorus in Water", approved 1988.

ASTM Method D858-88, "Standard Test Methods for Manganese in Water", approved August 19, 1988.

ASTM Method D859-88, "Standard Test Method for Silica in Water", approved 1988.

ASTM Method 1067-88B, "Standard Test Methods for Acidity or Alkalinity in Water", approved 1988.

ASTM Method D1125-82B, "Standard Test Methods for Electrical Conductivity and Resistivity of Water", approved October 29, 1982.

ASTM Method D1179-72A or B "Standard Test Methods for Fluoride in Water", approved July 28, 1972, reapproved 1978.

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ASTM Method D1293-84B "Standard Test Methods for pH of Water", approved October 26, 1984.

ASTM Method D1428-64, "Standard Test Methods for Sodium and Potassium in Water and Water-Formed Deposits by Flame Photometry", approved August 31, 1964, reapproved 1977.

ASTM Method D1688-84D90A or 5C, "Standard Test Methods for Copper in Water", approved ~~November 30, 1984~~ 198490.

ASTM Method D1889-88a, "Standard Test Method for Turbidity of Water", approved June 24, 1988.

ASTM Method D2459-72, "Standard Test Method for Gamma Spectrometry in Water," 1975, reapproved 1981, discontinued 1988.

ASTM Method D2907-83, "Standard Test Methods for Microquantities of Uranium in Water by Fluorometry", approved May 27, 1983.

ASTM Method D2972-88A or B, "Standard Test Methods for Arsenic in Water".

ASTM Method D3223-86, "Standard Test Method for Total Mercury in Water", approved February 28, 1986.

ASTM Method D3559-78A or 885D, "Standard Test Methods for Lead in Water", approved ~~July 28, 1978~~ 19785.

ASTM Method D3859-88, "Standard Test Methods for Selenium in Water", approved June 24, 1988.

ASTM Method D3867-90, "Standard Test Methods for Nitrite-Nitrate in Water", approved January 10, 1990.

ASTM Method 4327-88, "Standard Test Method for Anions in Water by Ion Chromatography", approved 1988.

American Waterworks Association et al., 6666 West Quincy Ave., Denver, CO 80235 (303) 794-7711:

Standard Methods for the Examination of Water and Wastewater, 13th Edition, 1971.

Method 302, Gross Alpha and Gross Beta Radioactivity in Water (Total, Suspended and Dissolved).

Method 303, Total Radioactive Strontium and Strontium 90 in Water.

Method 304, Radium in Water by Precipitation.

Method 305, Radium 226 by Radon in Water (Soluble, Suspended and Total).

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Method 306, Tritium in Water.

Standard Methods for the Examination of Water and Wastewater, 14th Edition, 1976.

Method 214A, Turbidity, Nephelometric Method -- Nephelometric Turbidity Units.

Method 301A II, Determination of Cadmium, etc., by Direct Aspiration into an Air-Acetylene Flame.

Method 301A III, Determination of Low Concentrations of Cadmium, etc., by Chelation with Ammonium Pyroellidene Dithiocarbamate, and Extraction into Methyl Isobutyl Ketone.

Methods 320 and 320A, Sodium, Flame Photometric Method.

Method 412D, Cyanide, Colorimetric Method.

Standard Methods for the Examination of Water and Wastewater, 16th Edition, 1985.

Method 212, Temperature.

Method 303A, Determination of Antimony, etc., by Direct Aspiration into an Air-Acetylene Flame.

Method 303B, Determination of Low Concentrations of Cadmium, etc., by Chelation with Ammonium Pyroellidene Dithiocarbamate (APDC) and Extraction into Methyl Isobutyl Ketone (MIBK).

Method 303C, Determination of Aluminum, etc., by Direct Aspiration into a Nitrous Oxide-Acetylene Flame.

Method 303E, Determination of Arsenic and Selenium by Conversion to Their Hydrides by Sodium Borohydride Reagent and Aspiration into an Atomic Absorption Atomizer.

Method 303F, Determination of Mercury by the Cold Vapor Technique.

Method 304, Determination of Micro Quantities of Aluminum, etc., by Electrothermal Atomic Absorption Spectrometry.

Method 307A, Arsenic, Atomic Absorption Spectrophotometric Method.

Method 307B, Arsenic, Silver Diethyldithiocarbamate Method.

Method 408C, Chlorine (Residual), Amperometric

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Titration Method.

Method 408D, Chlorine (Residual), DPD Ferrous Titrimetric Method.

Method 408E, Chlorine (Residual), DPD Colorimetric Method.

Method 408F, Chlorine (Residual), Leuco Crystal Violet Method.

Method 410B, Chlorine Dioxide, Amperometric Method.

Method 410C, Chlorine Dioxide, DPD Method (Tentative).

Method 412D, Cyanide, Colorimetric Method.

Method 413A, Fluoride, Preliminary Distillation Step.

Method 413B, Fluoride, Electrode Method.

Method 413C, Fluoride, SPADNS Method.

Method 413E, Fluoride, Complexone Method.

Method 418C, Nitrogen (Nitrate), Cadmium Reduction Method.

Method 418F, Nitrogen (Nitrate), Automated Cadmium Reduction Method.

Method 423, pH Value.

Method 907A, Pour Plate Method.

Method 908, Multiple Tube Fermentation Technique for Members of the Coliform Group.

Method 908A, Standard Coliform Multiple-Tube (MPN) Tests.

Method 908B, Application of Tests to Routine Examinations.

Method 908C, Fecal Coliform MPN Procedure.

Method 908D, Estimation of Bacterial Density.

Method 908E, Presence-Absence (P-A) Coliform Test (Tentative).

Method 909, Membrane Filter Technique for Members of the Coliform Group.

Method 909A, Standard Total Coliform Membrane

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Filter Procedure.

Method 909B, Delayed Incubation Total Coliform Procedure.

Method 909C, Fecal Coliform Membrane Filter Procedure.

Standard Methods for the Examination of Water and Wastewater, 17th Edition, 1989.

Method 2320, Alkalinity.

Method 2510, Conductivity.

Method 2550, Temperature.

Method 3111 B, Metals by Atomic Absorption Spectrometry, Direct Air-Acetylene Flame Method.

Method 3113, Metals by Electrothermal Atomic Absorption Spectrometry.

Method 3120, Metals by Plasma Emission Spectroscopy.

Method 3500-Ca D, Calcium, EDTA Titrimetric Method.

Method 4110, Determination of Anions by Ion Chromatography.

Method 4500-H⁺, pH Value.

Method 4500-O₃, Ozone (Residual), Indigo Colorimetric Method (Proposed).

Method 4500-P_T, Phosphorus, Automated Ascorbic Acid Reduction Method.

Method 4500-Si D, Silica, Molybdosilicate Method.

Method 4500-Si E, Silica, Heteropoly Blue Method.

Method 4500-Si F, Silica, Automated method for Molybdate-Reactive Silica.

Advanced Polymer Systems, 3696 Haven Avenue, Redwood City, CA 94063 415/ 366-2626:

AEPA-1 Polymer. See 40 CFR 141.22(a). Also, as referenced in ASTM D1889.

Environetics, Inc., 21 Business Park Drive, Branford, CT 06405 800/321-0207:

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MMO-MUG tests: Colilert P/A or Colilert MPN.

ERDA Health and Safety Laboratory, New York, NY:

HASL Procedure Manual, HASL 300, 1973. See 40 CFR 141.25(b)(2).

Millipore Corporation, Waters Chromatography Division, 34 Maple St., Milford, MA 01757 800/252-4752:

Waters Test Method for the Determination of Nitrite/Nitrate in Water Using Single Column Ion Chromatography, Method B-1011.

NCRP. National Council on Radiation Protection, 7910 Woodmont Ave., Bethesda, MD (301) 657-2652:

"Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure", NCRP Report Number 22, June 5, 1959.

NTIS. National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161 (703) 487-4600 or (800) 336-4700:

Analytical Method for Determination of Asbestos Fibers in Water, EPA-600/4-83-043, September, 1983, Doc. No. PB83-260471.

"Methods of for Chemical Analysis of Water and Wastes", J. Kopp and D. McGee, Third Edition, March, 1979. EPA-600/4-79-020, Doc. No. PB84-297686.

"Methods for Chemical Analysis of Water and Wastes", March, 1983, Doc. No. PB84-128677, for all methods referenced except methods 180.1 (turbidity, Section 611.560) and 273.1 and 273.2 (sodium, Section 611.630).

"Methods for Chemical Analysis of Water and Wastes", March, 1979, Doc. No. PB84-128677, only for methods 180.1 (turbidity, Section 611.560) and 273.1 and 273.2 (sodium, Section 611.630).

"Methods for the Determination of Organic Compounds in Drinking Water", EPA/600/4-88/039, September, 1986, Doc. No. PB89-220461. (For the purposes of Section 611.647 only.)

"Methods for the Determination of Organic Compounds in Drinking Water", EPA/600/4-88/039, December, 1988, Doc. No. PB89-220461. (For the purposes of Sections 611.646 and 611.648 only; including Method 515.1, revision 5.0 and Method 525.1, revision 3.0 (May, 1991).)

"Microbiological Methods for Monitoring the

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Environment: Water and Wastes", R. Bodner and J. Winter, 1978. EPA-600/8-78-017, Doc. No. PB290-329/LF.

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions", H.L. Krieger and S. Gold, EPA-R4-73-014, May, 1973, Doc. No. PB222-154/7BA.

ORD Publications, CERI, EPA, Cincinnati, OH 45268:

"Methods for Chemical Analysis of Water and Wastes", March, 1983, (EPA-600/4-79-020), for all methods referenced except methods 180.1 (turbidity, Section 611.560) and 273.1 and 273.2 (sodium, Section 611.630).

"Methods for Chemical Analysis of Water and Wastes", March, 1979, (EPA-600/4-79-020), only for methods 180.1 (turbidity, Section 611.560) and 273.1 and 273.2 (sodium, Section 611.630).

Orion Research, Inc., 529 Main St., Boston, MA 02129 800/225-1480:

Orion Guide to Water and Wastewater Analysis, Form WEWG/5880, p. 5.

Technicon Industrial Systems, Tarrytown, NY 10591:

"Fluoride in Water and Wastewater", Industrial Method #129-71W, December, 1972 See 40 CFR 141.23(f)(10), footnotes 6 and 7.

"Fluoride in Water and Wastewater", #380-75WE, February, 1976. See 40 CFR 141.23(f)(10), footnotes 6 and 7.

United States Environmental Protection Agency, EMSL, EPA, Cincinnati, OH 45268:

"The Analysis of Trihalomethanes in Drinking Waters by the Purge and Trap Method", Method 501.1. See 40 CFR 141, Subpart C, Appendix C.

"The Analysis of Trihalomethanes in Drinking Water by Liquid/Liquid Extraction," Method 501.2. See 40 CFR 141, Subpart C, Appendix C.

"Inductively Coupled Plasma-Atomic Emission Spectrometric Method for Trace Element Analysis in Water and Wastes -- Method 200.7, with Appendix to Method 200.7" entitled, "Inductively Coupled Plasma-Atomic Emission Analysis of Drinking Water" (Appendix 200.7A), March 1987 (EPA/600/4-91/010). See 40 CFR 136, Appendix C.

"Interim Radiochemical Methodology for Drinking Water", EPA-600/4-75-008 (Revised) March, 1976.

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"Methods for the Determination of Organic Compounds in Drinking Water". See NTIS.

"Methods of for Chemical Analysis of Water and Wastes". See NTIS and ORD Publications.

Microbiological Methods for Monitoring the Environment, Water and Wastes". See NTIS

"Procedures for Radiochemical Analysis of Nuclear Reactor Aqueous Solutions". See NTIS.

United States Environmental Protection Agency, Science and Technology Branch, Criteria and Standards Division, Office of Drinking Water, Washington D.C. 20460:

"Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", October, 1989.

USGS. United States Geological Survey, 1961 Stout St., Denver, CO 80294 303/844-4169:

Techniques of Water-Resources Investigation of the United States Geological Survey:

Book 5, Chapter A-1, "Methods for Determination of Inorganic Substances in Water and Fluvial Sediments", 3d ed., Open-File Report 85-495, 1989.

- c) The Board incorporates the following federal regulations by reference:

40 CFR 136, Appendix B and C (1994).

40 CFR 141.22(a) (1994).

40 CFR 141.23(f)(10), footnotes 6 and 7 (1994).

40 CFR 141.24(e), footnote 6 (1994).

40 CFR 141.25(b)(2) (1994).

40 CFR 141, Subpart C, Appendix C (1994).

40 CFR 142, Subpart G (1994).

- d) This Part incorporates no future amendments or editions.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 611.110 Special Exception Permits

- a) Unless otherwise specified, each Agency determination in this Part is to be made by way of a written permit pursuant to Section 39(a) of the Act. Such permit is titled a "special exception" permit

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("SEP").

- b) No person shall cause or allow the violation of any condition of a SEP.

- c) The supplier may appeal the denial of or the conditions of a -SEP to the Board pursuant to Section 40 of the Act.

- d) A SEP may be initiated either:

- 1) By an application filed by the supplier; or

- 2) By the Agency, when authorized by Board regulations.

BOARD NOTE: The Board does not intend to mandate by any provision of this Part that the Agency exercise its discretion and initiate a SEP pursuant to subsection (d)(2). Rather, the Board intends to clarify by this subsection that the Agency may opt to initiate a SEP without receiving a request from the supplier.

- e) The Agency shall evaluate a request for a SEP from the monitoring requirements of Section 611.646(e) and (f) (Phase I VOCs and Phase II VOCs), Section 611.648(a) (for Phase II SOCs) and Section 611.510(a) (for unregulated organic contaminants) on the basis of knowledge of previous use (including transport, storage, or disposal) of the contaminant in the watershed or zone of influence of the system, as determined pursuant to 35 Ill. Adm. Code 671:

- 1) If the Agency determines that there was no prior use of the contaminant, it shall grant the SEP, or

- 2) If the contaminant was previously used or the previous use was unknown, the Agency shall consider the following factors:

- A) Previous analytical results;

- B) The proximity of the system to any possible point source of contamination (including spills or leaks at or near a water treatment facility; at manufacturing, distribution, or storage facilities; from hazardous and municipal waste land fills; or from waste handling or treatment facilities) or non-point source of contamination (including the use of pesticides and other land application uses of the contaminant);

- C) The environmental persistence and transport of the contaminant;

- D) How well the water source is protected against contamination, including whether it is a SWS or a GWS:

- i) A GWS must consider well depth, soil type, and well casing integrity, and
- ii) A SWS must consider watershed protection; and

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E) For Phase II SOCs and unregulated organic contaminants (pursuant to Section 611.631 or 611.648):

- i) Elevated nitrate levels at the water source; and
- ii) The use of PCBs in equipment used in the production, storage, or distribution of water (including pumps, transformers, etc.); and

F) For Phase I VOCs and Phase II VOCs (pursuant to Section 611.646): the number of persons served by the PWS and the proximity of a smaller system to a larger one.

f) If a supplier refuses to provide any necessary additional information requested by the Agency, or if a supplier delivers any necessary information late in the Agency's deliberations on a request, the Agency may deny the requested SEP or grant the SEP with conditions within the time allowed by law.

BOARD NOTE: Subsection (e) derived from 40 CFR 141.24(f)(8) and (h)(6) (1992). Subsection (f) derived from 40 CFR 141.82(d)(2), and 141.83(b)(2) (1992). USEPA has reserved the discretion, at 40 CFR 142.18 (1992), to review and nullify Agency determinations of the types made pursuant to Sections 611.510, 611.602, 611.603, 611.646, and 611.648 and the discretion, at 40 CFR 141.82(i), 141.(b)(7), and 142.19 (1992), to establish federal standards for any supplier, superseding any Agency determination made pursuant to Sections 611.352(d), 611.352(f), 611.353(b)(2), and 611.353(b)(4).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 611.111 Section 1415 Variances

This Section is intended as a State equivalent of Section 1415(a)(1)(A) of the SDWA.

- a) The Board may grant a supplier a variance from a NPDR in this Part.
 - 1) The supplier shall file a variance petition pursuant to 35 Ill. Adm. Code 104, except as modified or supplemented by this Section.
 - 2) The Board may grant a variance from the additional State requirements in this Part without following this Section.
- b) As part of the showing of arbitrary or unreasonable hardship, the supplier shall demonstrate that:
 - 1) Because of characteristics of the raw water sources that are reasonably available to the system, the supplier cannot meet the MCL or other requirement; and
 - 2) The system has applied BAT as identified in Subpart G. BAT may vary depending on:

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- A) The number of persons served by the system;
- B) Physical conditions related to engineering feasibility; and
- C) Costs of compliance; and

3) The variance will not result in an unreasonable risk to health, as defined in subsection (g).

c) The Board will prescribe a schedule for:

- 1) Compliance, including increments of progress, by the supplier, with each MCL or other requirement with respect to which the variance was granted, and
- 2) Implementation by the supplier of each additional control measure for each MCL or other requirement, during the period ending on the date compliance with such requirement is required.

d) A schedule of compliance will require compliance with each MCL or other requirement with respect to which the variance was granted as expeditiously as practicable.

e) The Board will provide notice and opportunity for a public hearing as provided in 35 Ill. Adm. Code 104.

f) The Board will not grant a variance:

- 1) From the MCL for total coliforms; provided, however, that the Board may grant a variance from the total coliform MCL of Section 611.325 for PWSs that demonstrate that the violation of the total coliform MCL is due to persistent growth of total coliforms in the distribution system, rather than from fecal or pathogenic contamination, from a treatment lapse or deficiency, or from a problem in the operation or maintenance of the distribution system.

2) Or, from any of the treatment technique requirements of Subpart B.

g) As used in this Section and Section 611.112, "unreasonable risk to health level" ("URTH level") means the concentration of a contaminant that will cause a serious health effect within the period of time specified in the variance or exemption requested by a supplier seeking to come into compliance by installing the treatment required to reduce the contaminant to the MCL. URTH level determinations are made on the basis of the individual contaminant, taking into account: the degree by which the level exceeds the MCL; duration of exposure; historical data; and population exposed. A risk to health is assumed to be unreasonable unless the supplier demonstrates that there are costs involved that clearly exceed the health benefits to be derived.

h) The provisions of Section 611.130 apply to determinations made pursuant to this subsection.

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BOARD NOTE: Derived from 40 CFR 141.4 (19912), from Section 1415(a)(1)(A) of the SDWA and from the "Guidance Manual for Compliance with the Filtration and Disinfection Requirements for Public Water Systems using Surface Water Sources", incorporated by reference in Section 611.102. USEPA has reserved the discretion to review and modify or nullify Board determinations made pursuant to this Section at 40 CFR 142.23 (1992).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 611.112 Section 1416 Variances

This Section is intended as a State equivalent of Section 1416 of the SDWA.

- a) The Board may grant a supplier a variance from any requirement respecting an MCL or treatment technique requirement of an NPDWR in this Part.

- 1) The supplier shall file a variance petition pursuant to 35 Ill. Adm. Code 104, except as modified or supplemented by this Section.

- 2) The Board may grant a variance from the additional State requirements in this Part without following this Section.

- b) As part of the showing of arbitrary or unreasonable hardship, the supplier shall demonstrate that:

- 1) Due to compelling factors (which may include economic factors), the supplier is unable to comply with the MCL or treatment technique requirement;

- 2) The supplier was:

- A) In operation on the effective date of the MCL or treatment technique requirement; or

- B) Not in operation on the effective date of the MCL or treatment technique requirement and no reasonable alternative source of drinking water is available to the supplier; and

- 3) The variance will not result in an unreasonable risk to health.

- c) The Board will prescribe a schedule for:

- 1) Compliance, including increments of progress, by the supplier, with each MCL and treatment technique requirement with respect to which the variance was granted; and

- 2) Implementation by the supplier, during the period ending on the date when compliance is required, of each additional control measure for each contaminant subject to the MCL or treatment technique requirement.

- d) A schedule of compliance will require compliance with each MCL or

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other requirement with respect to which the variance was granted as expeditiously as practicable; but no schedule shall extend more than 12 months after the date of the variance, except as follows:

- 1) The Board may extend the date for a period not to exceed three years beyond the date of the variance if the supplier establishes: that it is taking all practicable steps to meet the standard; and:

- A) The supplier cannot meet the standard without capital improvements that cannot be completed within 12 months;

- B) In the case of a supplier that needs financial assistance for the necessary improvements, the supplier has entered into an agreement to obtain such financial assistance; or

- C) The supplier has entered into an enforceable agreement to become a part of a regional PWS; and

- 2) In the case of a PWS with 500 or fewer service connections that needs financial assistance for the necessary improvements, a variance under subsections (d)(1)(A) or (d)(1)(B) may be renewed for one or more additional two year periods if the supplier establishes that it is taking all practicable steps to meet the final date for compliance.

- e) The Board will provide notice and opportunity for a public hearing as provided in 35 Ill. Adm. Code 104.

- f) The Agency shall promptly send USEPA the Opinion and Order of the Board granting a variance pursuant to this Section. The Board may reconsider and modify a grant of variance, or variance conditions, if USEPA notifies the Board of a finding pursuant to Section 1416 of the SDWA.

BOARD NOTE: Derived from Section 1416 of the SDWA.

- g) The Board will not grant a variance:

- 1) From the MCL for total coliforms; provided, however, that the Board may grant a variance from the total coliform MCL of Section 611.325 for PWSs that demonstrate that the violation of the total coliform MCL is due to persistent growth of total coliforms in the distribution system, rather than from fecal or pathogenic contamination, from a treatment lapse or deficiency, or from a problem in the operation or maintenance of the distribution system.

- 2) From any of the treatment technique requirements of Subpart B.

- 3) From the residual disinfectant concentration (RDC) requirements of Sections 611.241(c) and 611.242(b).

- h) The provisions of Section 611.130 apply to determinations made pursuant to this subsection.

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BOARD NOTE: Derived from 40 CFR 141.4 (19912). USEPA has reserved the discretion to review and modify or nullify Board determinations made pursuant to this Section at 40 CFR 142.23 (1992).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 611.113 Alternative Treatment Techniques

This Section is intended to be equivalent to Section 1415(a)(3) of the SDWA.

- a) Pursuant to this Section, the Board may grant an adjusted standard from a treatment technique requirement.
- b) The supplier seeking an adjusted standard shall file a petition pursuant to 35 Ill. Adm. Code 106.Subpart G.
- c) As justification the supplier shall demonstrate that an alternative treatment technique is at least as effective in lowering the level of the contaminant with respect to which the treatment technique requirement was prescribed.
- d) As a condition of any adjusted standard, the Board will require the use of the alternative treatment technique.
- e) The Board will grant adjusted standards for alternative treatment techniques subject to the following conditions:
 - 1) All adjusted standards shall be subject to the limitations of 40 CFR 142, Subpart G, incorporated by reference in Section 611.102, and
 - 2) All adjusted standards shall be subject to review and approval by USEPA pursuant to 40 CFR 142.46 before they become effective.

BOARD NOTE: Derived from Section 1415(a)(3) of the SDWA.

- f) The provisions of Section 611.130 apply to determinations made pursuant to this subsection.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 611.130 Special Requirements for Certain Variances and Adjusted Standards

- a) Relief from the TTHM MCL.

- 1) In granting any variance or adjusted standard to a supplier that is a CWS that adds a disinfectant at any part of treatment and which provides water to 10,000 or more persons on a regular basis from the maximum contaminant level for TTHM listed in Section 611.310(c), the Board will require application of the best available technology (BAT) identified at subsection (a)(4) for that constituent as a condition to the relief, unless the supplier has

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demonstrated through comprehensive engineering assessments that application of BAT is not technically appropriate and technically feasible for that system, or it would only result in a marginal reduction in TTHM for that supplier.

- 2) The Board will require the following as a condition for relief from the TTHM MCL where it does not require the application of BAT:
 - A) That the supplier continue to investigate the following methods as an alternative means of significantly reducing the level of TTHM, according to a definite schedule:
 - i) introduction of off-line water storage for TTHM precursor reduction;
 - ii) aeration for TTHM reduction, where geography and climate allow;
 - iii) introduction of clarification, where not presently practiced;
 - iv) use of alternative sources of raw water; and
 - v) use of ozone as an alternative or supplemental disinfectant or oxidant, and
 - B) That the supplier report results of that investigation to the Agency.

3) The Agency shall petition the Board to reconsider or modify a variance or adjusted standard, pursuant to 35 Ill. Adm. Code 101.Subpart K, if it determines that an alternative method identified by the supplier pursuant to subsection (a)(2) is technically feasible and would result in a significant reduction in TTHM.

- 4) Best available technology for TTHM reduction:
 - A) use of chloramines as an alternative or supplemental disinfectant.
 - B) use of chlorine dioxide as and alternative or supplemental disinfectant, and
 - C) improved existing clarification for TTHM precursor reduction.

BOARD NOTE: Derived from 40 CFR 142.60 (1992). The restrictions of this subsection do not apply to suppliers regulated for TTHM as an additional state requirement. See the Board Note to Section 611.301(c).

- b) Relief from the fluoride MCL.

- 1) In granting any variance or adjusted standard to a supplier

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that is a CWS from the maximum contaminant level for fluoride listed in Section 611.301(b), the Board will require application of the best available technology (BAT) identified at subsection (b)(4) for that constituent as a condition to the relief, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT is not technically appropriate and technically feasible for that supplier.

- 2) The Board will require the following as a condition for relief from the fluoride MCL where it does not require the application of BAT:

A) That the supplier continue to investigate the following methods as an alternative means of significantly reducing the level of FTHM, according to a definite schedule:

- i) modification of lime softening;
- ii) alum coagulation;
- iii) electrodialysis;
- iv) anion exchange resins;
- v) well field management;
- vi) use of alternative sources of raw water; and
- vii) regionalization, and

B) That the supplier report results of that investigation to the Agency.

- 3) The Agency shall petition the Board to reconsider or modify a variance or adjusted standard, pursuant to 35 Ill. Adm. Code 101.Subpart K, if it determines that an alternative method identified by the supplier pursuant to subsection (b)(2) is technically feasible and would result in a significant reduction in fluoride.

4) Best available technology for fluoride reduction:

- A) activated alumina absorption centrally applied, and
- B) reverse osmosis centrally applied.

BOARD NOTE: Derived from 40 CFR 142.61 (1992).

- c) Relief from an inorganic chemical contaminant, VOC, or SOC MCL.
- 1) A CWS or any NTMWS a variance or adjusted standard from the maximum contaminant levels for any VOC or SOC, listed in Section 611.311(a) or (c), or for any inorganic chemical contaminant, listed in Section 611.301, the supplier must have first applied the best available technology (BAT) identified at Section 611.311(b) (VOCs and SOCs) or Section

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611.301(c) (inorganic chemical contaminants) for that constituent, unless the supplier has demonstrated through comprehensive engineering assessments that application of BAT would achieve only a minimal and insignificant reduction in the level of contaminant.

- 2) The Board may require any of the following as a condition for relief from a MCL listed in Section 611.301 or 611.311:

A) That the supplier continue to investigate alternative means of compliance according to a definite schedule, and

B) That the supplier report results of that investigation to the Agency.

- 3) The Agency shall petition the Board to reconsider or modify a variance or adjusted standard, pursuant to 35 Ill. Adm. Code 101.Subpart K, if it determines that an alternative method identified by the supplier pursuant to subsection (c)(2) is technically feasible.

BOARD NOTE: Derived from 40 CFR 142.62(a) through (e) (1992).

d)

Conditions requiring use of bottled water or point-of-use or point-of-entry devices. In granting any variance or adjusted standard from the maximum contaminant levels for organic and inorganic chemicals or an adjusted standard from the treatment technique for lead and copper, the Board may impose certain conditions requiring the use of bottled water, point-of-entry devices, or point-of-use devices to avoid an unreasonable risk to health, limited as provided in subsections (e) and (f).

- 1) Relief from an MCL. The Board may, when granting any variance or adjusted standard from the MCL requirements of Sections 611.301 and 611.311, impose a condition that requires a supplier to use bottled water, point-of-use devices, point-of-entry devices or other means to avoid an unreasonable risk to health.

2) Relief from corrosion control treatment. The Board may, when granting an adjusted standard from the corrosion control treatment requirements for lead and copper of Sections 611.351 and 611.352, impose a condition that requires a supplier to use bottled water and point-of-use devices or other means, but not point-of-entry devices, to avoid an unreasonable risk to health.

- 3) Relief from source water treatment or service line replacement. The Board may, when granting an exemption from the source water treatment and lead service line replacement requirements for lead and copper under Sections 611.353 or 611.354, impose a condition that requires a supplier to use point-of-entry devices to avoid an unreasonable risk to health.

BOARD NOTE: Derived from 40 CFR 142.62(f) (1992).

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- e) Use of bottled water. Suppliers that propose to use or use bottled water as a condition for receiving a variance or an adjusted standard from the requirements of Section 611.301 or Section 611.311, or an adjusted standard from the requirements of Sections 611.351 through 611.354 must the requirements of either subsections (e)(1), (e)(2), (e)(3), and (e)(6) or (e)(4), (e)(5) and (e)(6):
- 1) The supplier must develop a monitoring program for Board approval that provides reasonable assurances that the bottled water meets all MCLs of Sections 611.301 and 611.311 and submit a description of this program as part of its petition. The proposed program must describe how the supplier will comply with each requirement of this subsection.
 - 2) The supplier must monitor representative samples of the bottled water for all contaminants regulated under Sections 611.301 and 611.311 during the first three-month period that it supplies the bottled water to the public, and annually thereafter.
 - 3) The supplier shall annually provide the results of the monitoring program to the Agency.
 - 4) The supplier must receive a certification from the bottled water company as to each of the following:
 - A) that the bottled water supplied has been taken from an "approved source" as defined in 21 CFR 129.3(a);
 - B) that the bottled water company has conducted monitoring in accordance with 21 CFR 129.80(g)(1) through (3);
 - C) and that the bottled water does not exceed any MCLs or quality limits as set out in 21 CFR 103.35, 110, and 129.
 - 5) The supplier shall provide the certification required by subsection (e)(4) to the Agency during the first quarter after it begins supplying bottled water and annually thereafter.
 - 6) The supplier shall assure the provision of sufficient quantities of bottled water to every person supplied by the supplier via door-to-door bottled water delivery.
Derived from 40 CFR 142.62(q) (1992).
 - f) Use of point-of-entry devices. Before the Board grants any PWS a variance or adjusted standard from any NPDR that includes a condition requiring the use of a point-of-entry device, the supplier must demonstrate to the Board each of the following:
 - 1) that the supplier will operate and maintain the device;
 - 2) that the device provides health protection equivalent to

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- that provided by central treatment;
- 3) that the supplier will maintain the microbiological safety of the water at all times;
 - 4) that the supplier has established standards for performance, conducted a rigorous engineering design review, and field tested the device;
 - 5) that the operation and maintenance of the device will account for any potential for increased concentrations of heterotrophic bacteria resulting through the use of activated carbon, by backwashing, post-contactor disinfection, and heterotrophic plate count monitoring;
 - 6) that buildings connected to the supplier's distribution system have sufficient devices properly installed, maintained, and monitored to assure that all consumers are protected; and
 - 7) that the use of the device will not cause increased corrosion of lead and copper bearing materials located between the device and the tap that could increase contaminant levels at the tap.
- BOARD NOTE: Derived from 40 CFR 142.62(h) (1992).
- (Source: Added at 17 Ill. Reg. _____, effective _____)
- SUBPART C: USE OF NON-CENTRALIZED TREATMENT DEVICES
- Section 611.280 Point-of-Entry Devices
- a) Suppliers may use point-of-entry devices to comply with MCLs only if they meet the requirements of this Section.
 - b) It is the responsibility of the supplier to operate and maintain the point-of entry treatment system.
 - c) The supplier shall develop a monitoring plan before point-of-entry devices are installed for compliance.
 - 1) Point-of-entry devices must provide health protection equivalent to central water treatment. "Equivalent" means that the water would meet all NPDR and would be of acceptable quality similar to water distributed by a well-operated central treatment plant.
 - 2) In addition to the VOCs, monitoring must include physical measurements and observations such as total flow treated and mechanical condition of the treatment equipment.
 - 3) Use of point-of-entry devices must be approved by special ~~exception permit~~ SEP granted by the Agency pursuant to ~~Section 611.110~~.

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d) Effective technology must be properly applied under a plan approved by the Agency and the microbiological safety of the water must be maintained.

- 1) The Agency shall require adequate certification of performance, field testing, and, if not included in the certification process, a rigorous engineering design review of the point-of-entry devices.
- 2) The design and application of the point-of-entry devices must consider the tendency for increase in heterotrophic bacteria concentrations in water treated with activated carbon. The Agency may require, by special exception permit, frequent backwashing, post-contactor disinfection and HPC monitoring to ensure that the microbiological safety of the water is not compromised.

e) All consumers must be protected. Every building connected to the system must have a point-of-entry device installed, maintained and adequately monitored. The Agency must be assured that every building is subject to treatment and monitoring, and that the rights and responsibilities of the PWS customer convey with title upon sale of property.

f) Use of any point-of-entry device must not cause increased corrosion of lead and copper bearing materials located between the device and the tap that could increase contaminant levels at the tap.

BOARD NOTE: Derived from 40 CFR 141.100 and 142.62(h)(7) (19892).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 611.290 Use of ~~either Non-centralized Treatment~~ Point-of-Use Devices or Bottled Water

- a) Suppliers shall not use bottled water or point-of-use devices to achieve compliance with an MCL.
- b) Bottled water or point-of-use devices may be used on a temporary basis to avoid an unreasonable risk to health pursuant to a SEP granted by the Agency under Section 611.110.

c) Any use of bottled water must comply with the substantive requirements of Section 611.130(e), except that the supplier shall submit its quality control plan for Agency review as part of its SEP request, rather than for Board review.

BOARD NOTE: Derived from 40 CFR 141.101 (19892).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART D: TREATMENT TECHNIQUES

Section 611.297 Corrosion Control

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A supplier may be required to install and maintain optimal corrosion control pursuant to Section 611.352.

(Source: Added at 17 Ill. Reg. _____, effective _____)

SUBPART F: MAXIMUM CONTAMINANT LEVELS (MCL'S)

Section 611.300 Old MCLs for Inorganic Chemicals

- a) The old MCL for nitrate is applicable to both CWS suppliers and non-CWS suppliers except as provided by in subsection (d). The level for the other inorganic chemicals apply only to CWS suppliers. The levels for additional state requirements apply only to CWSs. Compliance with old MCLs for inorganic chemicals is calculated pursuant to Section 611.612. ~~The MCLs for barium and lead shall remain effective until repealed or amended in a later rulemaking.~~

BOARD NOTE: Derived from 40 CFR 141.11(a) (19942). USEPA has given an expiration date of December 7, 1992 for the MCL for lead and January 1, 1993 for barium because these are the effective dates for the federal lead and copper (56 Fed. Reg. 2460 (June 7, 1991)) and Phase IIb (56 Fed. Reg. 20266 (July 1, 1991)) rules, respectively. The Board will repeal the lead and barium MCLs, as appropriate, when the Illinois lead and copper and Phase IIb rule package becomes effective.

- b) The following are the old MCL's for inorganic chemicals:

Contaminant	Level, mg/L	Additional State Requirement (*)
Arsenic	0.05	
Barium	1	*
Copper	5	*
Cyanide	0.2	
Fluoride	4.0	
Iron	1.0	*
Lead	0.05	
Manganese	0.15	*
Zinc	5	*

BOARD NOTE: Derived from 40 CFR 141.11(b) (19942). This provision, which corresponds with 40 CFR 141.11, was formerly the only listing of MCLs for inorganic parameters. However, USEPA added another listing of inorganic MCLs at 40 CFR 141.62 at 56 Fed. Reg. 3594 (Jan. 30, 1991). Following the changing USEPA codification scheme creates two listings of MCLs: one at this Section and one at Section 611.301. This also causes fluoride to appear in both listings with the same MCL. The impact of the two listings are distinct. Further, under the federal scheme, there is no MCL for copper. Rather, there is an "action level", which if exceeded causes the supplier to undertake certain actions. See Section 611.350. The Board retained the MCL because its impact is distinct from that of the action level for copper.

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- c) The secondary old MCL for fluoride is 2.0 mg/L.

BOARD NOTE: Derived from 40 CFR 141.11(c) (19912).

- d) Nitrate.

- 1) The Board incorporates by reference 40 CFR 141.11(d) (19912). This incorporation includes no later editions or amendments.
- 2) Non-CWSs may exceed the MCL for nitrate to the extent authorized by 40 CFR 141.11(d).

BOARD NOTE: Derived from 40 CFR 141.11(d) (19912). Public Health regulations may impose a nitrate limitation requirement. Those regulations are at 77 Ill. Adm. Code 900.50.

- e) The following supplementary condition applies to the concentrations listed in subsection (b): Iron and manganese:

- 1) CWS suppliers that serve a population of 1000 or less, or 300 service connections or less, are exempt from the standards for iron and manganese.
- 2) The Agency may, by special exception permit, allow iron and manganese in excess of the MCL if sequestration tried on an experimental basis proves to be effective. If sequestration is not effective, positive iron or manganese reduction treatment as applicable must be provided. Experimental use of a sequestering agent may be tried only if approved by special exception permit.

BOARD NOTE: This is an additional State requirement.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 611.301 Revised MCLs for Inorganic Chemicals

- a) This subsection corresponds with 40 CFR 141.62(a), reserved by USEPA. This statement maintains structural consistency with USEPA rules.

- b) The MCLs in the following table apply to CWSs. Except for fluoride, the MCLs also apply to NTNCWSs. The MCLs for nitrate, nitrite and total nitrate and nitrite also apply to transient non-CWSs.

Contaminant	MCL	Units
Fluoride	4.0	mg/L
Asbestos	7 π	Million fibers/l (longer than 10 micrometers) MFL
Barium	2	mg/L
Cadmium	0.005	mg/L
Chromium	0.1	mg/L

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Mercury	0.002	mg/L
Nitrate (as N)	10.	mg/L
Nitrite (as N)	1.	mg/L
Total Nitrate and Nitrite (as N)	10.	mg/L
Selenium	0.05	mg/L

USEPA has identified the following as BAT for achieving compliance with the MCL for the inorganic contaminants identified in subsection (b), except for fluoride:

Contaminant BAT(s)

Asbestos C/F
DDF
CC

Barium IX
LIME
RO
ED

Cadmium C/F
IX
LIME
RO

Chromium C/F
IX
LIME, BAT for Cr(III) only
RO

Mercury C/F, BAT only if influent Hg concentrations less than or equal to (\leq) 10 μ g/L
GAC

LIME, BAT only if influent Hg concentrations \leq 10 μ /L
RO, BAT only if influent Hg concentrations \leq 10 μ /L

Nitrate IX
RO
ED

Nitrite IX
RO

Selenium AAL
C/F, BAT for Se(IV) only
LIME
RO
ED

Abbreviations

AAL Activated alumina
C/F Coagulation/filtration

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DDF Direct and diatomite filtration
 GAC Granular activated carbon
 IX Ion exchange
 LIME Line softening
 RO Reverse osmosis
 CC Corrosion control
 ED Electrolysis

BOARD NOTE: Derived from 40 CFR 141.62 (1991).

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 611.311 Revised MCLs for Organic Contaminants

- a) Volatile organic chemical contaminants. The following MCLs for volatile organic chemical contaminants (VOCs) apply to CWS suppliers and NTWCWS suppliers.

CAS No.	Contaminant	MCL (mg/L)
71-43-2	Benzene	0.005
56-23-5	Carbon tetrachloride	0.005
95-50-1	o-Dichlorobenzene	0.6
106-46-7	p-Dichlorobenzene	0.075
107-06-2	1,2-Dichloroethane	0.005
75-35-4	1,1-Dichloroethylene	0.007
156-59-2	cis-1,2-Dichloroethylene	0.07
156-60-5	trans-1,2-Dichloroethylene	0.1
78-87-5	1,2-Dichloropropane	0.005
100-41-4	Ethylbenzene	0.7
108-90-7	Monochlorobenzene	0.1
100-42-5	Styrene	0.1
127-18-4	Tetrachloroethylene	0.005
108-88-3	Toluene	1
71-55-6	1,1,1-Trichloroethane	0.2
79-01-6	Trichloroethylene	0.005
75-01-4	Vinyl chloride	0.002
1330-20-7	Xylenes (total)	10

- b) USEPA has identified, as indicated below, granular activated carbon (GAC) or packed tower aeration (PTA) as BAT for achieving compliance with the MCLs for volatile organic chemical contaminants and synthetic organic chemical contaminants in subsections (a) and (c).

15972-60-8	Alachlor	GAC
116-06-3	Aldicarb	GAC
1646-88-4	Aldicarb sulfone	GAC
1646-87-3	Aldicarb sulfoxide	GAC
1912-24-9	Atrazine	GAC
71-43-2	Benzene	GAC, PTA
1563-66-2	Carbofuran	GAC
56-23-5	Carbon tetrachloride	GAC, PTA
57-74-9	Chlordane	GAC
94-75-7	2,4-D	GAC
96-12-8	Dibromochloropropane	GAC, PTA

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95-50-1	o-Dichlorobenzene	GAC, PTA
106-46-7	p-Dichlorobenzene	GAC, PTA
107-06-2	1,2-Dichloroethane	GAC, PTA
156-59-2	cis-1,2-Dichloroethylene	GAC, PTA
156-60-5	trans-1,2-Dichloroethylene	GAC, PTA
75-35-4	1,1-Dichloroethylene	GAC, PTA
78-87-5	1,2-Dichloropropane	GAC, PTA
106-93-4	Ethylene dibromide (EDB)	GAC, PTA
100-41-4	Ethylbenzene	GAC, PTA
76-44-8	Heptachlor	GAC
1024-57-3	Heptachlor epoxide	GAC
58-89-9	Lindane	GAC
72-43-5	Methoxychlor	GAC
108-90-7	Monochlorobenzene	GAC, PTA
87-86-5	Pentachlorophenol	GAC
1336-36-3	Polychlorinated biphenyls (PCB)	GAC
97-86-5	Pentachlorophenol	GAC
100-42-5	Styrene	GAC, PTA
127-18-4	Tetrachloroethylene	GAC, PTA
71-55-6	1,1,1-Trichloroethane	GAC, PTA
79-01-6	Trichloroethylene	GAC, PTA
108-88-3	Toluene	GAC
8001-35-2	Toxaphene	GAC, PTA
93-72-1	2,4,5-Tp	GAC
75-01-4	Vinyl chloride	PTA
1330-20-7	Xylene	GAC, PTA

- c) Synthetic organic chemical contaminants. The following MCLs for synthetic organic chemical contaminants (SOCs) apply to CWS and NTWCWS suppliers.

CAS Number	Contaminant	MCL (mg/L)
15972-60-8	Alachlor	0.002
116-06-3	Aldicarb	0.003
1646-88-4	Aldicarb sulfone	0.004
1646-87-3	Aldicarb sulfoxide	0.003
1912-24-9	Atrazine	0.003
1563-66-2	Carbofuran	0.04
57-74-9	Chlordane	0.002
94-75-7	2,4-D	0.07
96-12-8	Dibromochloropropane	0.002
106-93-4	Ethylene dibromide	0.0005
76-44-8	Heptachlor	0.0004
1024-57-3	Heptachlor epoxide	0.0002
58-89-9	Lindane	0.0002
72-43-5	Methoxychlor	0.04
87-86-5	Pentachlorophenol	0.001
1336-36-3	Polychlorinated biphenyls (PCBs)	0.0005
8001-35-2	Toxaphene	0.003
93-72-1	2,4,5-Tp	0.05

BOARD NOTE: Derived from 40 CFR 141.61 (1991). More stringent state MCLs for 2,4-D, heptachlor, and heptachlor epoxide appear at Section 611.310. See the Board Note at that provision. The effectiveness of the MCLs for aldicarb, aldicarb sulfone, and aldicarb sulfoxide are administratively stayed until the Board takes further administrative action to end this stay. However,

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suppliers must monitor for these three SOCs pursuant to Section 611.648. See 40 CFR 141.6(g) (1992) and 57 Fed. Reg. 22178 (May 27, 1992).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 611.350

General Requirements

SUBPART G: LEAD AND COPPER

a) Applicability and Scope

1) Applicability. The requirements of this Subpart constitute national primary drinking water regulations for lead and copper. This Subpart applies to all community water systems (CWSs) and non-transient, non-community water systems (NTNCWSs).

2) Scope. This Subpart establishes a treatment technique that includes requirements for corrosion control treatment, source water treatment, lead service line replacement, and public education. These requirements are triggered, in some cases, by lead and copper action levels measured in samples collected at consumers' taps.

b) Definitions. For the purposes of only this Subpart, the following terms shall have the following meanings:

"Action level" means that concentration of lead or copper in water computed pursuant to subsection (c) that determines, in some cases, the treatment requirements of this Subpart which a supplier must complete. The action level for lead is 0.015 mg/L. The action level for copper is 1.3 mg/L.

"Corrosion inhibitor" means a substance capable of reducing the corrosivity of water toward metal plumbing materials, especially lead and copper, by forming a protective film on the interior surface of those materials.

"Effective corrosion inhibitor residual" means a concentration of inhibitor in the drinking water sufficient to form a passivating film on the interior walls of a pipe.

"Exceed", as this term is applied to either the lead or the copper action level, means that the 90th percentile level of the supplier's samples collected during a six-month monitoring period is greater than the action level for that contaminant.

"First draw sample" means a one-liter sample of tap water, collected in accordance with Section 611.356(b)(2), that has been standing in plumbing pipes for at least 6 hours and which is collected without flushing the tap.

"Large system" means a water system that regularly serves water to more than 50,000 persons.

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"Lead service line", means a service line made of lead that connects the water main to the building inlet, including any lead pigtail, gooseneck, or other fitting that is connected to such lead line.

"Medium-sized system" means a water system that regularly serves water to more than 3,300 up to 50,000 or fewer persons.

"Meet", as this term is applied to either the lead or the copper action level, means that the 90th percentile level of the supplier's samples collected during a six-month monitoring period is less than or equal to the action level for that contaminant.

"Method detection limit" or "MDL" is as defined at Section 611.646(a). The MDL for lead is 0.001 mg/L. The MDL for copper is 0.001 mg/L, or 0.020 mg/L by atomic absorption direct aspiration method.

BOARD NOTE: Derived from 40 CFR 141.89(a)(1)(iii) (1992).

"Monitoring period" means any of the six-month periods of time during which a supplier must complete a cycle of monitoring under this Subpart.

BOARD NOTE: USEPA refers to these as "monitoring periods". The Board uses "six-month monitoring period" to avoid confusion with "compliance period", as used elsewhere in this Part and defined at Section 611.101.

"Multiple-family residence" means a building that currently used as a multiple-family residence, but not one that is also a "single-family structure".

"90th percentile level" means that concentration of lead or copper contaminant exceeded by 10 percent or fewer of all samples collected during a six-month monitoring period pursuant to Section 611.356 (i.e., that concentration of contaminant greater than or equal to the results obtained from 90 percent of the samples). The 90th percentile levels for copper and lead shall be determined pursuant to subsection (c)(3).

BOARD NOTE: Derived from 40 CFR 141.80(c) (1992).

"Optimal corrosion control treatment" means the corrosion control treatment that minimizes the lead and copper concentrations at users' taps while ensuring that the treatment does not cause the water system to violate any national primary drinking water regulations.

"Practical quantitation limit" or "PQL" means the lowest concentration of a contaminant that a well-operated laboratory can reliably achieve within specified limits of precision and accuracy during routine laboratory operating conditions. The PQL for lead is 0.005 mg/L. The PQL for copper is 0.050 mg/L.

BOARD NOTE: Derived from 40 CFR 141.89(a)(1)(iv) (1992) and 56 Fed. Reg. 26511-12 (June 7, 1991) (preamble). USEPA has generally defined the PQL as 5 to 10 times the method

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detection limit.

"Service line sample" means a one-liter sample of water, collected in accordance with Section 611.356(b)(3), that has been standing for at least 6 hours in a service line.

"Single-family structure" means a building that was constructed as a single-family residence and which is currently used as either a residence or a place of business.

"Small system" means a water system that regularly serves water to 3,300 or fewer persons.

BOARD NOTE: Derived from 40 CFR 141.2 (1992).

c) Lead and Copper Action Levels:

- 1) The lead action level is exceeded if the 90th percentile lead level is greater than 0.015 mg/L.
- 2) The copper action level is exceeded if the 90th percentile copper level is greater than 1.3 mg/L.
- 3) Suppliers shall compute the 90th percentile lead and copper levels as follows:

A) List the results of all lead or copper samples taken during a six-month monitoring period in ascending order, ranging from the sample with the lowest concentration first to the sample with the highest concentration last. Assign each sampling result a number, ascending by single integers beginning with the number 1 for the sample with the lowest contaminant level. The number assigned to the sample with the highest contaminant level shall be equal to the total number of samples taken.

B) Determine the number for the 90th percentile sample by multiplying the total number of samples taken during the six-month monitoring period by 0.9.

C) The contaminant concentration in the sample with the number yielded by the calculation in subsection (c)(3)(B) is the 90th percentile contaminant level.

D) For suppliers that collect 5 samples per six-month monitoring period, the 90th percentile is computed by taking the average of the highest and second highest concentrations.

d) Corrosion Control Treatment Requirements:

- 1) All suppliers shall install and operate optimal corrosion control treatment.
- 2) Any supplier that complies with the applicable corrosion control treatment requirements specified by the Agency pursuant to Sections 611.351 and 611.352 is deemed in

compliance with the treatment requirement of subsection (d)(1).

e) Source water treatment requirements. Any supplier whose system exceeds the lead or copper action level shall implement all applicable source water treatment requirements specified by the Agency pursuant to Section 611.353.

f) Lead service line replacement requirements. Any supplier whose system exceeds the lead action level after implementation of applicable corrosion control and source water treatment requirements shall complete the lead service line replacement requirements contained in Section 611.354.

g) Public education requirements. Any supplier whose system exceeds the lead action level shall implement the public education requirements contained in Section 611.355.

h) Monitoring and analytical requirements. Suppliers shall complete all tap water monitoring for lead and copper, monitoring for water quality parameters, source water monitoring for lead and copper, and analyses of the monitoring results under this subpart in compliance with Sections 611.356, 611.357, 611.358, and 611.359.

i) Reporting requirements. Suppliers shall report to the Agency any information required by the treatment provisions of this Subpart and Section 611.360.

j) Recordkeeping requirements. Suppliers shall maintain records in accordance with Section 611.361.

k) Violation of national primary drinking water regulations. Failure to comply with the applicable requirements of this Subpart, including conditions imposed by the Agency by special exception permit (SEP) pursuant to these provisions, shall constitute a violation of the national primary drinking water regulations for lead or copper.

BOARD NOTE: Derived from 40 CFR 141.80 (1992).

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 611.351 Applicability of Corrosion Control

a) Corrosion control required. Suppliers shall complete the applicable corrosion control treatment requirements described in Section 611.352 on or before the deadlines set forth in this Section.

- 1) Large systems. Each large system supplier (one regularly serving more than 50,000 persons) shall complete the corrosion control treatment steps specified in subsection (d), unless it is deemed to have optimized corrosion control under subsection (b)(2) or (b)(3).
- 2) Medium-sized and small systems. Each small system supplier (one regularly serving 3300 or fewer persons) and each

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medium-sized system (one regularly serving more than 3,300 up to 50,000 or fewer persons) shall complete the corrosion control treatment steps specified in subsection (e), unless it is deemed to have optimized corrosion control under one of subsections (b)(1), (b)(2), or (b)(3).

- b) Suppliers deemed to have optimized corrosion control. A supplier is deemed to have optimized corrosion control, and is not required to complete the applicable corrosion control treatment steps identified in this Section, if the supplier satisfies one of the following criteria:

1) Small or medium-sized system meeting action levels. A small system or medium-sized system supplier is deemed to have optimized corrosion control if the system meets the lead and copper action levels during each of two consecutive six-month monitoring periods conducted in accordance with Section 611.356.

2) SEP for equivalent activities to corrosion control. The Agency shall, by a SEP granted pursuant to Section 611.110, deem any supplier to have optimized corrosion control treatment if it determines that the supplier has conducted activities equivalent to the corrosion control steps applicable under this Section. In making this determination, the Agency shall specify the water quality control parameters representing optimal corrosion control in accordance with Section 611.352(f). A supplier shall provide the Agency with the following information in order to support an Agency SEP determination under this subsection:

- A) the results of all test samples collected for each of the water quality parameters in Section 611.352(c)(3);
- B) a report explaining the test methods the supplier used to evaluate the corrosion control treatments listed in Section 611.352(c)(1), the results of all tests conducted, and the basis for the supplier's selection of optimal corrosion control treatment;

C) a report explaining how the supplier has installed corrosion control and how the supplier maintains it to insure minimal lead and copper concentrations at consumers' taps; and

D) the results of tap water samples collected in accordance with Section 611.356 at least once every six months for one year after corrosion control has been installed.

3) Results less than practical quantitation level for lead. Any supplier is deemed to have optimized corrosion control if it submits results of tap water monitoring conducted in accordance with Section 611.356 and source water monitoring conducted in accordance with Section 611.358 that demonstrate that for two consecutive six-month monitoring periods the difference between the 90th percentile tap water

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lead level, computed pursuant to Section 611.350(c)(3), and the highest source water lead concentration is less than the practical quantitation level for lead specified in Section 611.359(a)(1)(ii).

- c) Suppliers not required to complete corrosion control steps for having met both action levels.

1) Any small system or medium-sized system supplier, otherwise required to complete the corrosion control steps due to its exceedance of the lead or copper action level, may cease completing the treatment steps after the supplier has fulfilled both of the following conditions:

A) It has met both the copper action level and the lead action level during each of two consecutive six-month monitoring periods conducted pursuant to Section 611.356, and

B) the supplier has submitted the results for those two consecutive six-month monitoring periods to the Agency.

2) A supplier that has ceased completing the corrosion control steps pursuant to subsection (c)(1) (or the Agency, if appropriate) shall resume completion of the applicable treatment steps, beginning with the first treatment step that the supplier previously did not complete in its entirety, if the supplier thereafter exceeds the lead or copper action level during any six-month monitoring period.

3) The Agency may, by SEP, require a supplier to repeat treatment steps previously completed by the supplier where it determines that this is necessary to properly implement the treatment requirements of this Section. Any such SEP shall explain the basis for its decision.

- d) Treatment steps and deadlines for large systems. Except as provided in subsections (b)(2) and (b)(3), large system suppliers shall complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356, and 611.357) on or before the indicated dates.

1) Step 1: The supplier shall conduct initial monitoring (Sections 611.356(d)(1) and 611.357(b)) during two consecutive six-month monitoring periods on or before January 1, 1993.

BOARD NOTE: USEPA specified January 1, 1993 at 40 CFR 141.81(d)(1). In order to remain identical-in-substance and to retain state primacy, the Board retained this date despite the fact that this Section became effective after that date.

2) Step 2: The supplier shall complete corrosion control studies (Section 611.352(c)) on or before July 1, 1994.

3) Step 3: The Agency shall approve optimal corrosion control

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treatment (Section 611.352(d)) by a SEP issued pursuant to Section 611.110 on or before January 1, 1995.

- 4) Step 4: The supplier shall install optimal corrosion control treatment (Section 611.352(e)) by January 1, 1997.
- 5) Step 5: The supplier shall complete follow-up sampling (Sections 611.356(d)(2) and 611.357(c)) by January 1, 1998.
- 6) Step 6: The Agency shall review installation of treatment and approve optimal water quality control parameters (Section 611.352(f)) by July 1, 1998.
- 7) Step 7: The supplier shall operate in compliance with the Agency-specified optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).

e) Treatment steps and deadlines for small and medium-sized system suppliers. Except as provided in subsection (b), small and medium-sized system suppliers shall complete the following corrosion control treatment steps (described in the referenced portions of Sections 611.352, 611.356 and 611.357) by the indicated time periods.

- 1) Step 1: The supplier shall conduct initial tap sampling (Sections 611.356(d)(1) and 611.357(b)) until the supplier either exceeds the lead action level or the copper action level or it becomes eligible for reduced monitoring under Section 611.356(d)(4). A supplier exceeding the lead action level or the copper action level shall recommend optimal corrosion control treatment (Section 611.352(a)) within six months after it exceeds one of the action levels.
- 2) Step 2: Within 12 months after a supplier exceeds the lead action level or the copper action level, the Agency may require the supplier to perform corrosion control studies (Section 611.352(b)). If the Agency does not require the supplier to perform such studies, the Agency shall, by a SEP issued pursuant to Section 611.110, specify optimal corrosion control treatment (Section 611.352(d)) within the following timeframes:
 - A) for medium-sized systems, within 18 months after such supplier exceeds the lead action level or the copper action level.
 - B) for small systems, within 24 months after such supplier exceeds the lead action level or the copper action level.
- 3) Step 3: If the Agency requires a supplier to perform corrosion control studies under step 2 (subsection (e)(2)), the supplier shall complete the studies (Section 611.352(c)) within 18 months after the Agency requires that such studies be conducted.
- 4) Step 4: If the supplier has performed corrosion control

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studies under step 2 (subsection (e)(2)), the Agency shall, by a SEP issued pursuant to Section 611.110, approve optimal corrosion control treatment (Section 611.352(d)) within 6 months after completion of step 3 (subsection (e)(3)).

- 5) Step 5: The supplier shall install optimal corrosion control treatment (Section 611.352(e)) within 24 months after the Agency approves such treatment.
- 6) Step 6: The supplier shall complete follow-up sampling (Sections 611.356(d)(2) and 611.357(c)) within 36 months after the Agency approves optimal corrosion control treatment.
- 7) Step 7: The Agency shall review the supplier's installation of treatment and, by a SEP issued pursuant to Section 611.110, approve optimal water quality control parameters (Section 611.352(f)) within 6 months after completion of step 6 (subsection (e)(6)).
- 8) Step 8: The supplier shall operate in compliance with the Agency-approved optimal water quality control parameters (Section 611.352(g)) and continue to conduct tap sampling (Sections 611.356(d)(3) and 611.357(d)).

BOARD NOTE: Derived from 40 CFR 141.81 (1992).

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 611.352 Corrosion Control Treatment

Each supplier shall complete the corrosion control treatment requirements described below that are applicable to such supplier under Section 611.351.

- a) System recommendation regarding corrosion control treatment.
 - 1) Based on the results of lead and copper tap monitoring and water quality parameter monitoring, small and medium-sized system suppliers exceeding the lead action level or the copper action level shall recommend to the Agency installation of one or more of the corrosion control treatments listed in subsection (c)(1) that the supplier believes constitutes optimal corrosion control for its system.
 - 2) The Agency may, by a SEP issued pursuant to Section 611.110, require the supplier to conduct additional water quality parameter monitoring in accordance with Section 611.357(b) to assist it in reviewing the supplier's recommendation.
- b) Agency-required studies of corrosion control treatment. The Agency may, by a SEP issued pursuant to Section 611.110, require any small or medium-sized system supplier that exceeds the lead action level or the copper action level to perform corrosion control studies under subsection (c) to identify optimal corrosion control treatment for its system.

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c1. Performance of studies:

- 1) Any supplier performing corrosion control studies shall evaluate the effectiveness of each of the following treatments, and, if appropriate, combinations of the following treatments, to identify the optimal corrosion control treatment for its system:
 - A) alkalinity and pH adjustment;
 - B) calcium hardness adjustment; and
 - C) the addition of a phosphate- or silicate-based corrosion inhibitor at a concentration sufficient to maintain an effective residual concentration in all test tap samples.
- 2) The supplier shall evaluate each of the corrosion control treatments using either pipe rig/loop tests; metal coupon tests; partial-system tests; or analyses based on documented analogous treatments in other systems of similar size, water chemistry, and distribution system configuration.
- 3) The supplier shall measure the following water quality parameters in any tests conducted under this subsection before and after evaluating the corrosion control treatment listed above:
 - A) lead;
 - B) copper;
 - C) pH;
 - D) alkalinity;
 - E) calcium;
 - F) conductivity;
 - G) orthophosphate (when an inhibitor containing a phosphate compound is used);
 - H) silicate (when an inhibitor containing a silicate compound is used); and
 - I) water temperature.
- 4) The supplier shall identify all chemical or physical constraints that limit or prohibit the use of a particular corrosion control treatment, and document such constraints with at least one of the following:
 - A) data and documentation showing that a particular corrosion control treatment has adversely affected other water treatment processes when used by another supplier with comparable water quality characteristics; or

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- B) data and documentation demonstrating that the supplier has previously attempted to evaluate a particular corrosion control treatment, finding either that the treatment is ineffective or it adversely affects other water quality treatment processes.
- 5) The supplier shall evaluate the effect of the chemicals used for corrosion control treatment on other water quality treatment processes.
- 6) On the basis of an analysis of the data generated during each evaluation, the supplier shall recommend to the Agency, in writing, that treatment option the corrosion control studies indicate constitutes optimal corrosion control treatment for its system. The supplier shall provide a rationale for its recommendation, along with all supporting documentation specified in subsections (c)(1) through (c)(5).
- d) Agency approval of treatment:
 - 1) Based on consideration of available information including, where applicable, studies performed under subsection (c) and a supplier's recommended treatment alternative, the Agency shall, by a SEP issued pursuant to Section 611.110, either approve the corrosion control treatment, or deny the recommendation of alternative corrosion control treatment (s) from among those listed in subsection (c)(1). When approving optimal treatment, the Agency shall determine if it affects that additional corrosion control treatment will have on water quality parameters and on other water quality treatment processes.
 - 2) The Agency shall, in any SEP issued under subsection (d)(1) notify the supplier of the basis for this determination.
 - 2) Installation of optimal corrosion control treatment. Each water utility properly install and operate, through its distribution system, that optimal corrosion control treatment approved by the Agency pursuant to subsection (d).
 - 3) Agency review of treatment and specification of optimal water quality control parameters. The Agency shall evaluate the results of all lead and copper tap samples and water quality control samples submitted by the supplier and determine if the water properly installed and operated the optimal corrosion control treatment approved pursuant to subsection (d).

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B) a minimum pH value, measured in all tap samples. Such value shall be equal to or greater than 7.0, unless the Agency determines that meeting a pH level of 7.0 is not technologically feasible or is not necessary for the supplier to optimize corrosion control;

C) if a corrosion inhibitor is used, a minimum concentration or a range of concentrations for the inhibitor, measured at each entry point to the distribution system and in all tap samples, that the Agency determines is necessary to form a passivating film on the interior walls of the pipes of the distribution system;

D) if alkalinity is adjusted as part of optimal corrosion control treatment, a minimum concentration or a range of concentrations for alkalinity, measured at each entry point to the distribution system and in all tap samples;

E) if calcium carbonate stabilization is used as part of corrosion control, a minimum concentration or a range of concentrations for calcium, measured in all tap samples.

2) The values for the applicable water quality control parameters listed in subsection (f)(1) shall be those that the Agency determines reflect optimal corrosion control treatment for the supplier.

3) The Agency may, by a SEP issued pursuant to Section 611.110, approve values for additional water quality control parameters determined by the Agency to reflect optimal corrosion control for the supplier's system.

4) The Agency shall, in issuing a SEP, explain these determinations to the supplier, along with the basis for its decisions.

g) Continued Operation and Monitoring.

1) All suppliers shall maintain water quality parameter values at or above minimum values or within ranges approved by the Agency under subsection (f) in each sample collected under Section 611.357(d).

2) If the water quality parameter value of any sample is below the minimum value or outside the range approved by the Agency, then the supplier is out of compliance with this subsection.

3) As specified in Section 611.357(d), the supplier may take a confirmation sample for any water quality parameter value no later than 3 days after the first sample. If a confirmation sample is taken, the result must be averaged with the first sampling result, and the average must be used for any compliance determinations under this subsection. The Agency may delete results of obvious sampling errors from this

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calculation.

h) Modification of Agency treatment decisions.

1) On its own initiative, or in response to a request by a supplier, the Agency may, by a SEP issued pursuant to this subsection and Section 611.110, modify its determination of the optimal corrosion control treatment under subsection (d) or of the optimal water quality control parameters under subsection (f).

2) A request for modification must be in writing, explain why the modification is appropriate, and provide supporting documentation.

3) The Agency may modify its determination where it determines that such change is necessary to ensure that the supplier continues to optimize corrosion control treatment. A revised determination must set forth the new treatment requirements, explain the basis for the Agency's decision, and provide an implementation schedule for completing the treatment modifications.

4) Any interested person may submit information to the Agency bearing on whether the Agency should, within its discretion, issue a SEP to modify its determination pursuant to subsection (h)(1). An Agency determination not to act on a submission of such information by an interested person is not an Agency determination for the purposes of Sections 39 and 40 of the Act.

i) Treatment decisions by USEPA. Pursuant to the procedures in 40 CFR 142.19, the USEPA Regional Administrator has reserved the prerogative to review treatment determinations made by the Agency under subsections (d), (f), or (h) and issue federal treatment determinations consistent with the requirements of 40 CFR 141.82(d), (e), or (h), where the Regional Administrator finds that:

1) the Agency has failed to issue a treatment determination by the applicable deadlines contained in Section 611.351 (40 CFR 141.81),

2) the Agency has abused its discretion in a substantial number of cases or in cases affecting a substantial population, or

3) the technical aspects of the Agency's determination would be indefensible in an expected federal enforcement action taken against a supplier.

BOARD NOTE: Derived from 40 CFR 141.82 (1992).

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 611.353 Source Water Treatment

Suppliers shall complete the applicable source water monitoring and treatment

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requirements (described in the referenced portions of subsection (b), and in Sections 611.356 and 611.358) by the following deadlines.

- a) Deadlines for Completing Source Water Treatment Steps
- 1) Step 1: A supplier exceeding the lead action level or the copper action level shall complete lead and copper source water monitoring (Section 611.358(b)) and make a treatment recommendation to the Agency (subsection (b)(1)) within 6 months after exceeding the pertinent action level.
 - 2) Step 2: The Agency shall, by a SEP issued pursuant to Section 611.110, make a determination regarding source water treatment (subsection (b)(2)) within 6 months after submission of monitoring results under step 1.
 - 3) Step 3: If the Agency requires installation of source water treatment, the supplier shall install that treatment (subsection (b)(3)) within 24 months after completion of step 2.
 - 4) Step 4: The supplier shall complete follow-up tap water monitoring (Section 611.356(d)(2)) and source water monitoring (Section 611.358(c)) within 36 months after completion of step 2.
 - 5) Step 5: The Agency shall, by a SEP issued pursuant to Section 611.110, review the supplier's installation and operation of source water treatment and specify maximum permissible source water levels (subsection (b)(4)) within 6 months after completion of step 4.
 - 6) Step 6: The supplier shall operate in compliance with the Agency-specified maximum permissible lead and copper source water levels (subsection (b)(4)) and continue source water monitoring (Section 611.358(d)).
- b) Description of Source Water Treatment Requirements
- 1) System treatment recommendation. Any supplier that exceeds the lead action level or the copper action level shall recommend in writing to the Agency the installation and operation of one of the source water treatments listed in subsection (b)(2). A supplier may recommend that no treatment be installed based on a demonstration that source water treatment is not necessary to minimize lead and copper levels at users' taps.
 - 2) Agency determination regarding source water treatment.
 - A) The Agency shall complete an evaluation of the results of all source water samples submitted by the supplier to determine whether source water treatment is necessary to minimize lead or copper levels in water delivered to users' taps.
 - B) If the Agency determines that treatment is needed, the Agency shall, by a SEP issued pursuant to Section

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611.110, either require installation and operation of the source water treatment recommended by the supplier (if any) or require the installation and operation of another source water treatment from among the following:

- i) ion exchange.
 - ii) reverse osmosis.
 - iii) lime softening, or
 - iv) coagulation/filtration.
- C) The Agency may request and the supplier must submit such additional information, on or before a certain date, as the Agency determines is necessary to aid in its review.
 - D) The Agency shall notify the supplier in writing of its determination and set forth the basis for its decision.
- 3) Installation of source water treatment. Each supplier shall properly install and operate the source water treatment approved by the Agency under subsection (b)(2).
 - 4) Agency review of source water treatment and specification of maximum permissible source water levels.
 - A) The Agency shall review the source water samples taken by the supplier both before and after the supplier installs source water treatment, and determine whether the supplier has properly installed and operated the approved source water treatment.
 - B) Based on its review, the Agency shall, by a SEP issued pursuant to Section 611.110, approve the maximum permissible lead and copper concentrations for finished water entering the supplier's distribution system. Such levels shall reflect the contaminant removal capability of the treatment properly operated and maintained.
 - C) The Agency shall explain the basis for its decision under subsection (b)(4)(B).
 - 5) Continued operation and maintenance. Each supplier shall maintain lead and copper levels below the maximum permissible concentrations approved by the Agency at each sampling point monitored in accordance with Section 611.358. The supplier is out of compliance with this subsection if the level of lead or copper at any sampling point is greater than the maximum permissible concentration approved by the Agency pursuant to subsection (b)(4)(B).
 - 6) Modification of Agency treatment decisions.

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- A) On its own initiative, or in response to a request by a supplier or other interested party, the Agency may, by a SEP issued pursuant to Section 611.110, modify its determination of the source water treatment under subsection (b)(2), or maximum permissible lead and copper concentrations for finished water entering the distribution system under subsection (b)(4).
- B) A request for modification by a supplier or other interested party shall be in writing, explain why the modification is appropriate, and provide supporting documentation.
- C) The Agency may, by a SEP issued pursuant to Section 611.110, modify its determination where it concludes that such change is necessary to ensure that the supplier continues to minimize lead and copper concentrations in source water.
- D) A revised determination made pursuant to subsection (b)(6)(C) shall set forth the new treatment requirements, explain the basis for the Agency's decision, and provide an implementation schedule for completing the treatment modifications.
- 7) Treatment decisions by USEPA. Pursuant to the procedures in 40 CFR 142.19, the USEPA Regional Administrator reserves the prerogative to review treatment determinations made by the Agency under subsections (b)(2), (b)(4), or (b)(6) and issue federal treatment determinations consistent with the requirements of 40 CFR 141.83(b)(2), (b)(4), and (b)(6), where the Administrator finds that:

- A) the Agency has failed to issue a treatment determination by the applicable deadlines contained in Section 611.353(a),
- B) the Agency has abused its discretion in a substantial number of cases or in cases affecting a substantial population, or
- C) the technical aspects of the Agency's determination would be indefensible in an expected federal enforcement action taken against a supplier.

BOARD NOTE: Derived from 40 CFR 141.83 (1992).

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 611.354 Lead Service Line Replacement

- a) Suppliers required to replace lead service lines.
- 1) Suppliers that fail to meet the lead action level in tap samples taken pursuant to Section 611.356(d)(2), after installing corrosion control or source water treatment (whenever sampling occurs later), shall replace lead

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- service lines in accordance with the requirements of this Section.
- 2) If a supplier is in violation of Section 611.351 or Section 611.353 for failure to install source water or corrosion control treatment, the Agency may, by a SEP issued pursuant to Section 611.110, require the supplier to commence lead service line replacement under this Section after the date by which the supplier was required to conduct monitoring under Section 611.356(d)(2) has passed.

b) Annual replacement of lead service lines.

- 1) A supplier required to commence lead service line replacement pursuant to subsection (a) shall annually replace at least 7 percent of the initial number of lead service lines in its distribution system.
- 2) The initial number of lead service lines is the number of lead lines in place at the time the replacement program begins.
- 3) The supplier shall identify the initial number of lead service lines in its distribution system based on a materials evaluation, including the evaluation required under Section 611.356(a).
- 4) The first year of lead service line replacement shall begin on the date the supplier exceeded the action level in tap sampling referenced in subsection (a).
- c) Service lines not needing replacement. A supplier is not required to replace any individual lead service line for which the lead concentrations in all service line samples taken from that line pursuant to Section 611.356(b)(3) are less than or equal to 0.015 mg/L.
- d) Replacement of service line.
- 1) A supplier required to replace a lead service line pursuant to subsection (a) shall replace the entire service line (up to the building inlet) unless the Agency determines pursuant to subsection (e) that the supplier controls less than the entire service line.
- 2) Replacement of less than the entire service line.
- A) Where the Agency has determined that the supplier controls less than the entire service line, the supplier shall replace that portion of the line that the Agency determines is under the supplier's control.
- B) The supplier that will replace less than the entire service line shall notify the user served by the line that the supplier will replace that portion of the service line under its control, and the supplier shall offer to replace the remaining portion of the service line that is under the building owner's control.

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C) The supplier required to replace less than the entire service line is not required to bear the cost of replacing any portion of the service line that is under the building owner's control.

a shorter schedule than that otherwise required by this Section if it determines, taking into account the number of lead service lines in the system, that such a shorter replacement schedule is feasible.

D) Offer to collect samples.

i) For buildings where only a portion of the lead service line is replaced, the supplier shall inform the resident(s) that the supplier will collect a first flush tap water sample after partial replacement of the service line is completed if the resident(s) so desire.

ii) In cases where the resident(s) accept the offer, the supplier shall collect the sample and report the results to the resident(s) within 14 days following partial lead service line replacement.

e) Control of entire service line.

1) A supplier is presumed to control the entire lead service line (up to the building inlet) unless the supplier demonstrates to the satisfaction of the Agency, in a letter submitted under Section 611.360(e)(4), that it does not have any of the following forms of control over the entire line (as defined by state statutes, municipal ordinances, public service contracts or other applicable legal authority):

A) authority to set standards for construction, repair, or maintenance of the line;

B) authority to replace, repair, or maintain the service line; or

C) ownership of the service line.

2) Agency determinations.

A) The Agency shall review the information provided by the supplier and determine the following:

i) whether the supplier controls less than the entire service line, and

ii) where the supplier controls less than the entire service line, the Agency shall determine the extent of the supplier's control.

B) The Agency shall make its determination of the extent of a supplier's control of a service line as a SEP pursuant to Section 611.110, and the Agency shall explain the basis for its determination.

f) Agency determination of shorter replacement schedule.

1) The Agency shall, by a SEP issued pursuant to Section 611.110, require a supplier to replace lead service lines on

2) The Agency shall notify the supplier of its finding pursuant to subsection (f)(1) within 6 months after the supplier is triggered into lead service line replacement based on monitoring, as referenced in subsection (a).

a) Cessation of service line replacement.

1) Any supplier may cease replacing lead service lines whenever it fulfills both of the following conditions:

A) first draw tap samples collected pursuant to Section 611.356(b)(2) meet the lead action level during each of two consecutive six-month monitoring periods and

B) the supplier has submitted those results to the Agency.

2) If any of the supplier's first draw tap samples thereafter exceed the lead action level, the supplier shall recommence replacing lead service lines pursuant to subsection (b).

h) To demonstrate compliance with subsections (a) through (d), a supplier shall report to the Agency the information specified in Section 611.360(e).

BOARD NOTE: Derived from 40 CFR 141.84 (1992).

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 611.355 Public Education and Supplemental Monitoring

A supplier that exceeds the lead action level based on tap water samples collected in accordance with Section 611.356 shall deliver the public education materials required by subsections (a) and (b) in accordance with the requirements of subsection (c).

a) Content of written materials. A supplier shall include the text set forth in Section 611.356 Appendix E in all of the printed materials it distributes through its lead public education program. Any additional information presented by a supplier shall be consistent with the information in Section 611.356 Appendix E and be in plain English that can be understood by laypersons.

b) Content of broadcast materials. A supplier shall include the following information in all public service announcements submitted under its lead public education program to television and radio stations for broadcast:

1) Why should everyone want to know the facts about lead and drinking water? Because unhealthy amounts of lead can enter drinking water through the plumbing in your home. That's why I urge you to do what I did. I had my water tested for

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(insert free or \$ per sample). You can contact the [insert the name of the city or supplier] for information on testing and on simple ways to reduce your exposure to lead in drinking water.

2) To have your water tested for lead, or to get more information about this public health concern, please call [insert the phone number of the city or supplier].

C) Delivery of a public education program.

1) In communities where a significant proportion of the population speaks a language other than English, public education materials shall be communicated in the appropriate language(s).

2) A CWS supplier that exceeds the lead action level on the basis of tap water samples collected in accordance with Section 611.356 shall, within 60 days do each of the following:

A) insert notices in each customer's water utility bill containing the information required by subsection (a), along with the following alert in large print on the water bill itself: "SOME HOMES IN THIS COMMUNITY HAVE ELEVATED LEAD LEVELS IN THEIR DRINKING WATER. LEAD CAN POSE A SIGNIFICANT RISK TO YOUR HEALTH. PLEASE READ THE ENCLOSED NOTICE FOR FURTHER INFORMATION.";

B) submit the information required by subsection (a) to the editorial departments of the major daily and weekly newspapers circulated throughout the community;

C) deliver pamphlets or brochures that contain the public education materials in subsections (a)(2) and (a)(4) to facilities and organizations, including the following:

- i) public schools or local school boards;
- ii) the city or county health department;
- iii) Women, Infants, and Children (WIC) or Head Start program(s), whenever available;
- iv) public and private hospitals or clinics;
- v) pediatricians;
- vi) family planning clinics; and
- vii) local welfare agencies; and

D) submit the public service announcement in subsection (b) to at least five of the radio and television stations with the largest audiences within the community served by the supplier.

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3) A CWS supplier shall repeat the tasks contained in subsections (c)(2)(A) through (c)(2)(D) for as long as the supplier exceeds the lead action level, at the following minimum frequency:

A) those of subsections (c)(2)(A) through (c)(2)(C): every 12 months, and

B) those of subsection (c)(2)(D) every 6 months.

4) Within 60 days after it exceeds the lead action level, a NTNCWS supplier shall deliver the public education materials contained in Section 611.356 Appendix B(1), (2), and (4) as follows:

A) post informational posters on lead in drinking water in a public place or common area in each of the buildings served by the supplier; and

B) distribute informational pamphlets or brochures on lead in drinking water to each person served by the NTNCWS supplier.

5) A NTNCWS supplier shall repeat the tasks contained in subsection (c)(4) at least once during each calendar year in which the supplier exceeds the lead action level.

6) A supplier may discontinue delivery of public education materials after it has met the lead action level during the most recent six-month monitoring period conducted pursuant to Section 611.356. Such a supplier shall begin public education anew in accordance with this Section if it subsequently exceeds the lead action level during any six-month monitoring period.

d) Supplemental monitoring and notification of results. A supplier that fails to meet the lead action level on the basis of tap samples collected in accordance with Section 611.356 shall offer to sample the tap water of any customer who requests it. The supplier is not required to pay for collecting or analyzing the sample, nor is the supplier required to collect and analyze the sample itself.

BOARD NOTE: Derived from 40 CFR 141.95 (1992).

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 611.356 Tap Water Monitoring for Lead and Copper

a) Sample site location.

1) Selecting a pool of targeted sampling sites.

A) By the applicable date for commencement of monitoring under subsection (d)(1), each supplier shall complete a materials evaluation of its distribution system in order to identify a pool of targeted sampling sites

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that meets the requirements of this Section.

- B) The pool of targeted sampling sites must be sufficiently large to ensure that the supplier can collect the number of lead and copper tap samples required by subsection (c).
- C) The supplier shall select the sites for collection of first draw samples from this pool of targeted sampling sites.
- D) The supplier shall not select as sampling sites any faucets that have point-of-use or point-of-entry treatment devices designed to remove or capable of removing inorganic contaminants.

2) Materials evaluation.

- A) A supplier shall use the information on lead, copper, and galvanized steel collected pursuant to 40 CFR 141.42(d) (special monitoring for corrosivity characteristics) when conducting a materials evaluation.
- B) When an evaluation of the information collected pursuant to 40 CFR 141.42(d) is insufficient to locate the requisite number of lead and copper sampling sites that meet the targeting criteria in subsection (a), the supplier shall review the following sources of information in order to identify a sufficient number of sampling sites:
 - i) all plumbing codes, permits, and records in the files of the building department(s) that indicate the plumbing materials that are installed within publicly- and privately-owned structures connected to the distribution system;
 - ii) all inspections and records of the distribution system that indicate the material composition of the service connections which connect a structure to the distribution system;
 - iii) all existing water quality information, which includes the results of all prior analyses of the system or individual structures connected to the system, indicating locations that may be particularly susceptible to high lead or copper concentrations; and
 - iv) the supplier shall seek to collect such information where possible in the course of its normal operations (e.g., checking service line materials when reading water meters or performing maintenance activities).
- C) Tiers of sampling sites. Suppliers shall categorize the sampling sites within their pool according to the following

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tiers:

- A) CWS Tier 1 sampling sites. "CWS Tier 1 sampling sites" shall include the following single-family structures:
 - i) those that contain copper pipes with lead solder installed after 1982 or which contain lead pipes; or
 - ii) those that are served by a lead service line.
 - B) CWS Tier 2 sampling sites. "CWS Tier 2 sampling sites" shall include the following buildings, including multiple-family structures:
 - i) those that contain copper pipes with lead solder installed after 1982 or contain lead pipes; or
 - ii) those that are served by a lead service line.
 - C) CWS Tier 3 sampling sites. "CWS Tier 3 sampling sites" shall include the following single-family structures: those that contain copper pipes with lead solder installed before 1983.
 - D) NTNCWS Tier 1 sampling sites. "NTNCWS Tier 1 sampling sites" shall include the following buildings:
 - i) those that contain copper pipes with lead solder installed after 1982 or which contain lead pipes; or
 - ii) those that are served by a lead service line.
 - E) Alternative NTNCWS sampling sites. "Alternative NTNCWS sampling sites" shall include the following buildings: those that contain copper pipes with lead solder installed before 1983.
- 4) Selection of sampling sites. Suppliers shall select sampling sites for their sampling pool as follows:
- A) CWS Suppliers. CWS suppliers shall use CWS tier 1 sampling sites, except that the supplier may include CWS tier 2 or CWS tier 3 sampling sites in its sampling pool as follows:
 - i) If multiple-family residences comprise at least 20 percent of the structures served by a supplier, the supplier may use CWS tier 2 sampling sites in its sampling pool; or
 - ii) If the CWS supplier has an insufficient number of CWS tier 1 sampling sites on its distribution system, the supplier may use CWS tier 2 sampling sites in its sampling pool; or

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- iii) If fewer than 20 percent of the structures served by the supplier are multiple-family residences, and the CWS supplier has an insufficient number of CWS tier 1 and CWS tier 2 sampling sites on its distribution system, the supplier may complete its sampling pool with CWS tier 3 sampling sites.

B) NTNCWS suppliers. An NTNCWS supplier shall select NTNCWS tier 1 sampling sites for its sampling pool, except if the NTNCWS supplier has an insufficient number of NTNCWS tier 1 sampling sites, the supplier may complete its sampling pool with alternative NTNCWS sampling sites.

C) Agency submission by suppliers with an insufficient number of CWS or NTNCWS tier 1 sampling sites.

- i) Any CWS or NTNCWS supplier whose sampling pool does not include a sufficient number of sites to consist exclusively of CWS tier 1 sampling sites or NTNCWS tier 1 sampling sites, as appropriate, shall submit a letter to the Agency under Section 611.360(a)(2) that demonstrates why a review of the information listed in subsection (a)(2) was inadequate to locate a sufficient number of CWS tier 1 sampling sites or NTNCWS tier 1 sampling sites.

- ii) Any CWS supplier that wants to include CWS tier 3 sampling sites in its sampling pool shall demonstrate in a letter to the Agency why it was unable to locate a sufficient number of CWS tier 1 sampling sites and CWS tier 2 sampling sites.

D) Suppliers with lead service lines. Any supplier whose distribution system contains lead service lines shall draw samples during each six-month monitoring period from sampling sites as follows:

- i) 50 percent of the samples from sampling sites that contain lead pipes or from sampling sites that have copper pipes with lead solder, and

- ii) 50 percent of those samples from sites served by a lead service line.

- iii) A supplier that cannot identify a sufficient number of sampling sites served by a lead service line shall demonstrate in a letter to the Agency under Section 611.360(a)(4) that it was unable to locate a sufficient number of such sites.

- iv) Any supplier that cannot identify a sufficient number of sampling sites served by a lead service line shall collect first draw samples from all of the sites on its distribution system

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identified as being served by such lines.

- b) Sample collection methods.

- i) All tap samples for lead and copper collected in accordance with this subpart, with the exception of lead service line samples collected under Section 611.354(c), shall be first draw samples.

- 2) First-draw tap samples.

- A) Each first-draw tap sample for lead and copper shall be one liter in volume and have stood motionless in the plumbing system of each sampling site for at least six hours.

- B) First draw samples from residential housing shall be collected from the cold water kitchen tap or bathroom sink tap.

- C) First-draw samples from a non-residential building shall be collected at an interior tap from which water is typically drawn for consumption.

- D) First draw samples may be collected by the supplier or the supplier may allow residents to collect first draw samples after instructing the residents of the sampling procedures specified in this subsection.

- i) To avoid problems of residents handling nitric acid, acidification of first draw samples may be done up to 14 days after the sample is collected.

- ii) If the first draw sample is not acidified immediately after collection, then the sample must stand in the original container for at least 28 hours after acidification.

- E) If a supplier allows residents to perform sampling under subsection (b)(2)(D), the supplier may not challenge the accuracy of sampling results based on alleged errors in sample collection.

- 3) Service line samples.

- A) Each service line sample shall be one liter in volume and have stood motionless in the lead service line for at least six hours.

- B) Lead service line samples shall be collected in one of the following three ways:

- i) at the tap after flushing that volume of water calculated as being between the tap and the lead service line based on the interior diameter and length of the pipe between the tap and the lead service line;

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- ii) tapping directly into the lead service line; or
- iii) if the sampling site is a single-family structure, allowing the water to run until there is a significant change in temperature that would be indicative of water that has been standing in the lead service line.

4) Follow-up first draw tap samples.

- A) A supplier shall collect each follow-up first draw tap sample from the same sampling site from which it collected the previous sample(s).
- B) If, for any reason, the supplier cannot gain entry to a sampling site in order to collect a follow-up tap sample, the supplier may collect the follow-up tap sample from another sampling site in its sampling pool, as long as the new site meets the same targeting criteria and is within reasonable proximity of the original site.

c) Number of samples

- 1) Suppliers shall collect at least one sample from the number of sites listed in the first column of Section 611.351(d) (labelled "standard monitoring") during each six-month monitoring period specified in subsection (d).
- 2) A supplier conducting reduced monitoring pursuant to subsection (d)(4) may collect one sample from the number of sites specified in the second column of Section 611.351(d) (labelled "reduced monitoring") during each reduced monitoring period specified in subsection (d)(4).

d) Timing of monitoring

- 1) Initial tap sampling.
The first six-month monitoring period for small, medium-sized and large system suppliers shall begin on the dates specified in Section 611.351(f).
- A) All large system suppliers shall monitor during each of two consecutive six-month periods.
- B) All small and medium-sized system suppliers shall monitor during each consecutive six-month monitoring period until:
 - i) the supplier exceeds the lead action level or the copper action level and is therefore required to implement the corrosion control treatment requirements under Section 611.351, in which case the supplier shall continue monitoring in accordance with subsection (d)(2), or

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- ii) the supplier meets the lead action level and the copper action level during each of two consecutive six-month monitoring periods, in which case the supplier may reduce monitoring in accordance with subsection (d)(4).

2) Monitoring after installation of corrosion control and source water treatment.

- A) Any large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) shall monitor during each of two consecutive six-month monitoring periods before the date specified in Section 611.351(d)(5).
- B) Any small or medium-sized system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) shall monitor during each of two consecutive six-month monitoring periods before the date specified in Section 611.351(e)(6).
- C) Any supplier that installs source water treatment pursuant to Section 611.353(a)(3) shall monitor during each of two consecutive six-month monitoring periods before the date specified in Section 611.353(a)(4).
- 3) Monitoring after the Agency specification of water quality parameter values for optimal corrosion control.
After the Agency specifies the values for water quality control parameters pursuant to Section 611.352(f), the supplier shall monitor during each subsequent six-month monitoring period, with the first six-month monitoring period to begin on the date the Agency specifies the optimal values.

4) Reduced monitoring.

- A) Reduction to annual for small and medium-sized system suppliers meeting the lead and copper action levels.
A small or medium-sized system supplier that meets the lead and copper action levels during each of two consecutive six-month monitoring periods may reduce the number of samples in accordance with subsection (c), and reduce the frequency of sampling to once per year.
- B) SEP allowing reduction to annual for suppliers maintaining water quality control parameters.
 - i) The Agency shall, by a SEP granted pursuant to Section 611.110, allow any supplier to reduce the frequency of monitoring to annual and the number of lead and copper samples to that specified by subsection (c) if it determines that a supplier has, during each of two consecutive six-month monitoring periods, maintained the range of values for the water

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quality control parameters specified pursuant to Section 611.352(f) as reflecting optimal corrosion control treatment.

- ii) Any supplier may request a SEP if it concurrently provides the Agency with the information necessary to support a determination under subsection (d)(4)(B)(i).
- iii) The Agency shall set forth the basis for its determination under subsection (d)(4)(B)(i).
- iv) The Agency shall, by a SEP issued pursuant to Section 611.110, review, and where appropriate, revise its subsection (d)(4)(B)(i) determination when the supplier submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available to the Agency.

C) Reduction to triennial for small and medium-sized system suppliers.

- i) Small and medium-sized system suppliers meeting lead and copper action levels. A small or medium-sized system supplier that meets the lead and copper action levels during three consecutive years of monitoring may reduce the frequency of monitoring for lead and copper from annually to once every three years.

- ii) SEP for suppliers meeting optimal corrosion control treatment. The Agency shall, by a SEP granted pursuant to Section 611.110, allow a supplier to reduce its monitoring frequency from annual to triennial if it determines that the supplier, during each of three consecutive years of monitoring, has maintained the range of values for the water quality control parameters specified as representing optimal corrosion control treatment pursuant to Section 611.352(f). Any supplier may request a SEP if it concurrently provides the Agency with the information necessary to support a determination under this subsection. The Agency shall set forth the basis for its determination. The Agency shall, by a SEP issued pursuant to Section 611.110, review, and where appropriate, revise its determination when the supplier submits new monitoring or treatment data, or when other data relevant to the number and frequency of tap sampling becomes available to the Agency.

- DL Sampling at a reduced frequency. A supplier that reduces the number and frequency of sampling shall collect these samples from sites included in the pool of targeted sampling sites identified in subsection

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(a). Suppliers sampling annually or less frequently shall conduct the lead and copper tap sampling during the months of June, July, August, or September.

E) Resumption of standard monitoring.

- i) Small or medium-sized suppliers exceeding lead or copper action level. A small or medium-sized system supplier subject to reduced monitoring that exceeds the lead action level or the copper action level shall resume sampling in accordance with subsection (d)(3) and collect the number of samples specified for standard monitoring under subsection (c). Such a supplier shall also conduct water quality parameter monitoring in accordance with Section 611.357 (b), (c), or (d) (as appropriate) during the six-month monitoring period in which it exceeded the action level.
- ii) Suppliers failing to operate within water quality control parameters. Any supplier subject to reduced monitoring frequency that fails to operate within the range of values for the water quality control parameters specified pursuant to Section 611.352(f) shall resume tap water sampling in accordance with subsection (d)(3) and collect the number of samples specified for standard monitoring under subsection (c).

- e) Additional monitoring. The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the supplier and the Agency in making any determinations (i.e., calculating the 90th percentile lead action level or the copper level) under this subpart.

BOARD NOTE: Derived from 40 CFR 141.86 (1992).

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 611.357 Monitoring for Water Quality Parameters

All large system suppliers, and all small and medium-sized system suppliers that exceed the lead action level or the copper action level, shall monitor water quality parameters in addition to lead and copper in accordance with this section. The requirements of this Section are summarized in Section 611-Table G.

a) General Requirements

1) Sample collection methods

- AL Use of tap samples. The totality of all tap samples collected by a supplier shall be representative of water quality throughout the distribution system taking into account the number of persons served, the different sources of water, the different treatment

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methods employed by the supplier, and seasonal variability. Although a supplier may conveniently conduct tap sampling for water quality parameters at sites used for coliform sampling performed pursuant to 611.351(d)(1), it is not required to do so, and a supplier is not required to perform tap sampling pursuant to this Section at taps targeted for lead and copper sampling under Section 611.356(a).

- B) Use of entry point samples. Each supplier shall collect samples at entry point(s) to the distribution system from locations representative of each source after treatment. If a supplier draws water from more than one source and the sources are combined before distribution, the supplier must sample at an entry point to the distribution system during periods of normal operating conditions (i.e., when water is representative of all sources being used).

2) Number of samples

- A) Tap samples. Each supplier shall collect two tap samples for applicable water quality parameters during each six-month monitoring period specified under subsections (b) through (e) from the number of sites indicated in the first column of Section 611.356(d)(1).

B) Entry point samples.

- i) Initial monitoring. Each supplier shall collect two samples for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsection (b).
- ii) Subsequent monitoring. Each supplier shall collect one sample for each applicable water quality parameter at each entry point to the distribution system during each six-month monitoring period specified in subsections (c) through (e).

b) Initial sampling.

- 1) Large systems. Each large system supplier shall measure the applicable water quality parameters specified in subsection (b)(3) at taps and at each entry point to the distribution system during each six-month monitoring period specified in Section 611.356(d)(1).

- 2) Small and medium-sized systems. Each small and medium-sized system supplier shall measure the applicable water quality parameters specified in subsection (b)(3) at the locations specified in this subsection during each six-month monitoring period specified in Section 611.356(d)(1) during which the supplier exceeds the lead action level or the copper action level.

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3) Water quality parameters:

- A) pH;
- B) alkalinity;
- C) orthophosphate, when an inhibitor containing a phosphate compound is used;
- D) silica, when an inhibitor containing a silicate compound is used;
- E) calcium;
- F) conductivity; and
- G) water temperature.

c) Monitoring after installation of corrosion control.

- 1) Large systems. Each large system supplier that installs optimal corrosion control treatment pursuant to Section 611.351(d)(4) shall measure the water quality parameters at the locations and frequencies specified in subsection (c)(3) and (c)(4) during each six-month monitoring period specified in Section 611.356(d)(2)(ii).
- 2) Small and medium-sized systems. Each small or medium-sized system that installs optimal corrosion control treatment pursuant to Section 611.351(e)(5) shall measure the water quality parameters at the locations and frequencies specified in subsections (c)(3) and (c)(4) during each six-month monitoring period specified in Section 611.356(d)(2)(ii) in which the supplier exceeds the lead action level or the copper action level.

- 3) Tap water samples, two samples at each tap for each of the following water quality parameters:

- A) pH;
- B) alkalinity;
- C) orthophosphate, when an inhibitor containing a phosphate compound is used;
- D) silica, when an inhibitor containing a silicate compound is used; and
- E) calcium, when calcium carbonate stabilization is used as part of corrosion control.

- 4) Entry point samples, one sample at each entry point to the distribution system every two weeks (bi-weekly) for each of the following water quality parameters:

- A) pH;

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- B) when alkalinity is adjusted as part of optimal corrosion control, a reading of the dosage rate of the chemical used to adjust alkalinity, and the alkalinity concentration; and
- C) when a corrosion inhibitor is used as part of optimal corrosion control, a reading of the dosage rate of the inhibitor used, and the concentration of orthophosphate or silica (whichever is applicable).
- d) Monitoring after the Agency specifies water quality parameter values for optimal corrosion control.

1) Large systems. After the Agency has specified the values for applicable water quality control parameters reflecting optimal corrosion control treatment pursuant to Section 611.352(f), each large system supplier shall measure the applicable water quality parameters in accordance with subsection (c) during each six-month monitoring period specified in Section 611.356(d)(3).

2) Small and medium-sized systems. Each small or medium-sized system supplier shall conduct such monitoring during each six-month monitoring period specified in Section 611.356(d)(3) in which the supplier exceeds the lead action level of the copper action level.

3) Confirmation sampling.

- A) A supplier may take a confirmation sample for any water quality parameter value no later than 3 days after it took the original sample it seeks to confirm.
- B) If a supplier takes a confirmation sample, it must average the result obtained from the confirmation sample with the result obtained from the original sample it seeks to confirm, and the supplier shall use the average of these two results for any compliance determinations under Section 611.352(g).

C) The Agency shall delete the results that it determines are due to obvious sampling errors from this calculation.

e) Reduced monitoring.

- 1) Reduction in tap monitoring. A supplier that has maintained the range of values for the water quality parameters reflecting optimal corrosion control treatment during each of two consecutive six-month monitoring periods under subsection (d) shall continue monitoring at the entry point(s) to the distribution system as specified in subsection (c)(4). Such a supplier may collect two samples from each tap for applicable water quality parameters from the reduced number of sites indicated in the second column of Section 611.356 Table E during each subsequent six-month monitoring period.

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2) Reduction in monitoring frequency.

A) Stages of reductions.

- i) Annual monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of monitoring may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) from every six months to annually.

ii) Triennial monitoring. A supplier that maintains the range of values for the water quality parameters reflecting optimal corrosion control treatment specified pursuant to Section 611.352(f) during three consecutive years of annual monitoring under subsection (e)(2)(A)(i) may reduce the frequency with which it collects the number of tap samples for applicable water quality parameters specified in subsection (e)(1) from annually to once every three years.

B) A supplier that conducts sampling annually or every three years shall collect these samples evenly throughout the calendar year so as to reflect seasonal variability.

C) Any supplier subject to a reduced monitoring frequency pursuant to this subsection that fails to operate within the range of values for the water quality parameters specified pursuant to Section 611.352(f) shall resume tap water sampling in accordance with the number and frequency requirements of subsection (d).

f)

Additional monitoring by systems. The results of any monitoring conducted in addition to the minimum requirements of this section shall be considered by the supplier and the Agency in making any determinations (i.e., determining concentrations of water quality parameters) under this Section or Section 611.352.

BOARD NOTE: Derived from 40 CFR 141.87 (1992).

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 611.358 Monitoring for Lead and Copper in Source Water

- a) Sample location, collection methods, and number of samples

1) A supplier that fails to meet the lead action level or the copper action level on the basis of tap samples collected in accordance with Section 611.356 shall collect lead and copper source water samples in accordance with the sample location, number of samples, and collection method

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requirements of Section 141.23(a)(1) through (a)(4) (as specified for inorganic chemical contaminants). The timing of sampling for lead and copper shall be in accordance with subsections (b) and (c), and not with the dates specified in Section 141.23(a)(1) and (a)(2).

2) SEP requiring an additional sample.

A) When the Agency determines that the results of sampling indicate an exceedance of maximum permissible source water levels established under Section 611.353(b)(4), it shall, by a SEP issued pursuant to Section 611.110, require the supplier to collect one additional sample be collected as soon as possible after the initial sample at the same sampling point, but no later than two weeks after the supplier took the initial sample.

B) If a supplier takes an Agency-required confirmation sample for lead or copper, the supplier shall average the results obtained from the initial sample with the results obtained from the confirmation sample in determining compliance with the Agency-specified maximum permissible levels.

i) Any analytical result below the detection limit shall be considered as zero for the purposes of averaging.

ii) Any value above the MDL but below the PQL shall either be considered as the measured value or be considered one-half the PQL.

b) Monitoring frequency after system exceeds tap water action level.
A supplier that exceeds the lead action level or the copper action level in tap sampling shall collect one source water sample from each entry point to the distribution system within six months after the exceedance.

c) Monitoring frequency after installation of source water treatment.
A supplier that installs source water treatment pursuant to Section 611.353(a)(3) shall collect an additional source water sample from each entry point to the distribution system during each of two consecutive six-month monitoring periods on or before the deadline specified in Section 611.353(a)(4).

d) Monitoring frequency after the Agency has specified the maximum permissible source water levels or has determined that source water treatment is not needed.

1) A supplier shall monitor at the frequency specified by subsection (d)(1)(A) or (d)(1)(B) where the Agency has specified the maximum permissible source water levels pursuant to Section 611.353(b)(4) or has determined that the supplier is not required to install source water treatment pursuant to Section 611.353(b)(2).

A) GWS suppliers.

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i) A GWS supplier required to sample by subsection (d)(1) shall collect samples once during the three-year compliance period (as that term is defined in Section 611.101) during which the Agency makes its determination pursuant to Section 611.353(b)(4) or 611.353(b)(2).

ii) A GWS supplier required to sample by subsection (d)(1) shall collect samples once during each subsequent compliance period.

B) A SWS or mixed system supplier shall collect samples annually, the first annual monitoring period to begin on the date on which the Agency makes its determination pursuant to Section 611.353(b)(4) or 611.353(b)(2).

2) A supplier is not required to conduct source water sampling for lead or copper if the supplier meets the action level for the specific contaminant in all tap water samples collected during the entire source water sampling period applicable under subsection (d)(1)(A) or (d)(1)(B).

e) Reduced monitoring frequency.

1) A GWS supplier that demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead or copper concentrations specified by the Agency pursuant to Section 611.353(b)(4) during at least three consecutive compliance periods under subsection (d)(1) may reduce the monitoring frequency for lead or copper, as appropriate, to once during each nine-year compliance cycle (as that term is defined in Section 611.101).

2) A SWS or mixed system supplier that demonstrates that finished drinking water entering the distribution system has been maintained below the maximum permissible lead and copper concentrations specified by the Agency pursuant to Section 611.353(b)(4) for at least three consecutive years under subsection (d)(1) may reduce the monitoring frequency to once during each nine-year compliance cycle (as that term is defined in Section 611.101).

3) A supplier that uses a new source of water is not eligible for reduced monitoring for lead or copper until it demonstrates by samples collected from the new source during three consecutive monitoring periods, of the appropriate duration provided by subsection (d)(1), that lead or copper concentrations are below the maximum permissible as specified by the Agency pursuant to Section 611.353(a)(5).

BOARD NOTE: Derived from 40 CFR 141.88 (1992).

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 611.359 Analytical Methods

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a) Analyses for lead, copper, pH, conductivity, calcium, alkalinity, orthophosphate, silica, and temperature shall be conducted using the methods set forth in subsection (b).

1) Analyses performed for the purposes of compliance with this Subpart shall only be conducted by laboratories that have been certified by USEPA or the Agency. To obtain certification to conduct analyses for lead and copper, laboratories must:

A) Analyze performance evaluation samples that include lead and copper provided by USEPA Environmental Monitoring and Support Laboratory or equivalent samples provided by the Agency; and

B) Achieve quantitative acceptance limits as follows:

- i) Lead: ± 30 percent of the actual amount in the performance evaluation sample when the actual amount is greater than or equal to 0.005 mg/L, and
- ii) Copper: ± 10 percent of the actual amount in the performance evaluation sample when the actual amount is greater than or equal to 0.050 mg/L;
- iii) Achieve method detection limits defined in Section 611.350(a) according to the procedures in Appendix B of Part 136; and
- iv) Be currently certified by USEPA or the Agency to perform analyses to the specifications described in subsection (a)(2).

2) The Agency shall, by a SEP issued pursuant to Section 611.110, allow a supplier to use previously collected monitoring data for the purposes of monitoring under this Subpart if the data were collected and analyzed in accordance with the requirements of this Subpart.

3) Reporting lead levels.

A) All lead levels greater than or equal to the lead PQL ($Pb \geq 0.005$ mg/L) must be reported as measured.

B) All lead levels measured less than the PQL and greater than the MDL (0.005 mg/L $> Pb > MDL$) must be either reported as measured or as one-half the PQL (0.0025 mg/L).

C) All lead levels below the lead MDL ($MDL > Pb$) must be reported as zero.

4) Reporting copper levels.

A) All copper levels greater than or equal to the copper PQL ($Cu \geq 0.05$ mg/L) must be reported as measured.

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B) All copper levels measured less than the PQL and greater than the MDL (0.05 mg/L $> Cu > MDL$) must be either reported as measured or as one-half the PQL (0.025 mg/L).

C) All copper levels below the copper MDL ($MDL > Cu$) must be reported as zero.

b) Analytical methods.

1) Lead

A) Atomic absorption, furnace technique:

i) USEPA Inorganic Methods: Method 239.2.

ii) ASTM Methods: Method D3553-85D, or

iii) Standard Methods: Method 3113;

B) Inductively-coupled plasma, mass spectrometry: ICP-MS Method 200.8; or

C) Atomic absorption, platform furnace technique: AA-Platform Furnace Method 200.9.

2) Copper

A) Atomic absorption, furnace technique:

i) USEPA Inorganic Methods: Method 220.2.

ii) ASTM Methods: Method D1688-90C, or

iii) Standard Methods: Method 3113;

B) Atomic absorption, direct aspiration:

i) USEPA Inorganic Methods: Method 220.1.

ii) ASTM Methods: Method D1688-90A, or

iii) Standard Methods: Method 3111-B;

C) Inductively-coupled plasma:

i) ICP Method 200.7, Rev. 3.2, or

ii) Standard Methods: Method 3120;

D) Inductively-coupled plasma, mass spectrometry: ICP-MS Method 200.8; or

E) Atomic absorption, platform furnace technique: AA-Platform Furnace Method 200.9.

3) pH: Electrometric;

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- A) USEPA Inorganic Methods: Method 150.1 or 150.2.
 B) ASTM Methods: Method D1293-84B, or
 C) Standard Methods: Method 4500-H⁺.
- 4) Conductivity: Conductance:
 A) USEPA Inorganic Methods: Method 120.1.
 B) ASTM Methods: Method D1125-82B, or
 C) Standard Methods: Method 2510.
- 5) Calcium:
 A) EDTA titrimetric:
 i) USEPA Inorganic Methods: Method 215.2.
 ii) ASTM Methods: Method D511-88A, or
 iii) Standard Methods: Method 3500-Ca D.
 B) Atomic absorption; direct aspiration:
 i) USEPA Inorganic Methods: Method 215.1.
 ii) ASTM Methods: Method D511-88B, or
 iii) Standard Methods: Method 3111-B; or
 C) Inductively-coupled plasma:
 i) ICP Method 200.7, Rev. 3.2, or
 ii) Standard Methods: Method 3120.
- 6) Alkalinity:
 A) Titrimetric:
 i) USEPA Inorganic Methods: Method 310.1.
 ii) ASTM Methods: Method D1067-88B, or
 iii) Standard Methods: Method 2320; or
 B) Electrometric titration: USGS Methods: Method I-1030-85.
- 7) Orthophosphate:
 A) Unfiltered, no digestion or hydrolysis: USEPA Inorganic Methods: Method 365.1;
 B) Colorimetric, automated, ascorbic acid: Standard Methods: Method 4500-P F;

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- C) Colorimetric, ascorbic acid, two reagent:
 i) USEPA Inorganic Methods: Method 365.3, or
 ii) Standard Methods: Method 4500-P E;
- D) Colorimetric, ascorbic acid, single reagent:
 i) USEPA Inorganic Methods: Method 365.2, or
 ii) ASTM Methods: Method D515-88A;
- E) Colorimetric, phosphomolybdate, automated-segmented flow or automated discrete: USGS Methods: Methods I-1601-85, I-2601-85, or I-2598-85.
- F) Ion Chromatography:
 i) Ion Chromatography Method 300.0.
 ii) ASTM Methods: Method D4327-88, or
 iii) Standard Methods: Method 4110.
- 8) Silica:
 A) Colorimetric, molybdate blue, automated-segmented flow: USGS Methods: Methods I-1700-85 or I-2700-85;
 B) Colorimetric:
 i) USEPA Inorganic Methods: Method 370.1, or
 ii) ASTM Methods: Method D859-88;
 C) Molybdosilicate: Standard Methods: Method 4500-Si-D;
 D) Heteropoly blue: Standard Methods: Method 4500-Si-E;
 E) Automated method for molybdate-reactive silica: Standard Methods: Method 4500-Si-F; or
 F) Inductively-coupled plasma:
 i) ICP Method 200.7, Rev. 3.2, or
 ii) Standard Methods: Method 3120.
- 9) Temperature: Thermometric: Standard Methods: Method 2550.
 BOARD NOTE: Derived from 40 CFR 141.89 (1992).
- (Source: Added at 17 Ill. Reg. _____, effective _____)
- Section 611.360 Reporting
 A supplier shall report all of the following information to the Agency in

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accordance with this Section.

- a) Reporting for tap, lead and copper, and water quality parameter monitoring.
 - 1) A supplier shall report the following information for all samples within 10 days of the end of each applicable sampling period specified in Sections 611.356 through 611.358 (i.e., every six-months, annually, or every 3 years).
 - A) the results of all tap samples for lead and copper, including the location of each site and the criteria under Section 611.356(a)(3) through (7) under which the site was selected for the supplier's sampling pool;
 - B) a certification that each first draw sample collected by the supplier was one-liter in volume and, to the best of the supplier's knowledge, had stood motionless in the service line, or in the interior plumbing of a sampling site, for at least six hours;
 - C) where residents collected samples, a certification that each tap sample collected by the residents was taken after the supplier informed them of the proper sampling procedures specified in Section 611.356(b)(2);
 - D) the 90th percentile lead and copper concentrations measured from among all lead and copper tap samples collected during each sampling period (calculated in accordance with Section 611.350(c)(3));
 - E) with the exception of initial tap sampling conducted pursuant to Section 611.356(d)(1), the supplier shall designate any site that was not sampled during previous sampling periods, and include an explanation of why sampling sites have changed;
 - F) the results of all tap samples for pH, and where applicable, alkalinity, calcium, conductivity, temperature, and orthophosphate or silica collected pursuant to Section 611.357(b) through (e);
 - G) the results of all samples collected at entry point(s) for applicable water quality parameters pursuant to Section 611.357(b) through (e).
 - 2) By the applicable date in Section 611.356(d)(1) for commencement of monitoring, each CWS supplier that does not complete its targeted sampling pool with CWS tier 1 sampling sites meeting the requirements of Section 611.356(a)(4)(A) shall send a letter to the Agency justifying its selection of CWS tier 2 sampling sites or CWS tier 3 sampling sites pursuant to Section 611.356 (a)(4)(i) or (a)(4)(iii).
 - 3) By the applicable date in Section 611.356(d)(1) for

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- commencement of monitoring, each NTNCWS supplier that does not complete its sampling pool with NTNCWS tier 1 sampling sites meeting the requirements of Section 611.356(a)(4)(B) shall send a letter to the Agency justifying its selection of alternative NTNCWS sampling sites pursuant to that Section.
- 4) By the applicable date in Section 611.356(d)(1) for commencement of monitoring, each supplier with lead service lines that is not able to locate the number of sites served by such lines required by Section 611.356(a)(4)(D) shall send a letter to the Agency demonstrating why it was unable to locate a sufficient number of such sites based upon the information listed in Section 611.356(a)(2).
- 5) Each supplier that requests that the Agency grant a SEP that reduces the number and frequency of sampling shall provide the information required by Section 611.356(d)(4).
- b) Reporting for source water monitoring.
 - 1) A supplier shall report the sampling results for all source water samples collected in accordance with Section 141.88 within 10 days of the end of each source water sampling period (i.e., annually, per compliance period, per compliance cycle) specified in Section 611.358.
 - 2) With the exception of the first round of source water sampling conducted pursuant to Section 611.358(b), a supplier shall specify any site that was not sampled during previous sampling periods, and include an explanation of why the sampling point has changed.
 - c) Reporting for corrosion control treatment.

By the applicable dates under Section 611.351, a supplier shall report the following information:

 - 1) for a supplier demonstrating that it has already optimized corrosion control, the information required by Section 611.352(b)(2) or (b)(3);
 - 2) for a supplier required to optimize corrosion control, its recommendation regarding optimal corrosion control treatment pursuant to Section 611.352(a);
 - 3) for a supplier required to evaluate the effectiveness of corrosion control treatments pursuant to Section 611.352(c), the information required by Section 611.352(c);
 - 4) for a supplier required to install optimal corrosion control approved by the Agency pursuant to Section 611.352(d), a letter certifying that the supplier has completed installing that treatment.
- d) Reporting for source water treatment. On or before the applicable dates in Section 611.353, a supplier shall provide the following information to the Agency:

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- 1) if required by Section 611.353(b)(1), its recommendation regarding source water treatment;
- 2) for suppliers required to install source water treatment pursuant to Section 611.353(b)(2), a letter certifying that the supplier has completed installing the treatment approved by the Agency within 24 months after the Agency approved the treatment.
- e) Reporting for lead service line replacement. A supplier shall report the following information to the Agency to demonstrate compliance with the requirements of Section 611.354:
 - 1) Within 12 months after a supplier exceeds the lead action level in sampling referred to in Section 611.354(a), the supplier shall report each of the following to the Agency in writing:
 - A) a demonstration that it has conducted a materials evaluation, including the evaluation required by Section 611.356(a);
 - B) identify the initial number of lead service lines in its distribution system, and
 - C) provide the Agency with the supplier's schedule for annually replacing at least 7 percent of the initial number of lead service lines in its distribution system.
 - 2) Within 12 months after a supplier exceeds the lead action level in sampling referred to in Section 611.354(a), and every 12 months thereafter, the supplier shall demonstrate to the Agency in writing that the supplier has either:
 - A) replaced in the previous 12 months at least 7 percent of the initial number of lead service lines in its distribution system (or any greater number of lines specified by the Agency pursuant to Section 611.354(f)), or
 - B) conducted sampling that demonstrates that the lead concentration in all service line samples from an individual line(s), taken pursuant to Section 611.356(b)(3), is less than or equal to 0.015 mg/L.
 - C) Where the supplier makes a demonstration under subsection (e)(2)(B), the total number of lines that the supplier has replaced, combined with the total number that meet the criteria of Section 611.354(b), shall equal at least 7 percent of the initial number of lead lines identified pursuant to subsection (a) (or the percentage specified by the Agency pursuant to Section 611.354(f)).
- 3) The annual letter submitted to the Agency pursuant to subsection (e)(2) shall contain the following information:

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- A) the number of lead service lines originally scheduled to be replaced during the previous year of the supplier's replacement schedule;
- B) the number and location of each lead service line actually replaced during the previous year of the supplier's replacement schedule; and
- C) if measured, the water lead concentration and location of each lead service line sampled, the sampling method used, and the date of sampling.
- 4) As soon as practicable, but no later than three months after a supplier exceeds the lead action level in the sampling referred to in Section 611.354(a), any supplier seeking to rebut the presumption that it has control over the entire lead service line pursuant to Section 611.354(d) shall submit a letter to the Agency describing the following:
 - A) the legal authority (e.g., state statutes, municipal ordinances, public service contracts or other applicable legal authority) that limits the supplier's control over the service lines; and
 - B) the extent of the supplier's control over the service lines.
- f) Reporting for public education program.
 - 1) By December 31st of each calendar year, any supplier that is subject to the public education requirements of Section 611.355 shall submit a letter to the Agency demonstrating that the supplier has delivered the public education materials which meet the following requirements:
 - A) the content requirements of Section 611.355(a) and (b), and
 - B) the delivery requirements of Section 611.355(c).
 - 2) The information submitted pursuant to this subsection shall include a list of all the newspapers, radio stations, television stations, facilities and organizations to which the supplier delivered public education materials during the previous year.
 - 3) The supplier shall submit the letter required by this subsection annually for as long as it continues to exceed the lead action level.
 - g) Reporting additional monitoring data. Any supplier that collects sampling data in addition to that required by this subpart shall report the results of that sampling to the Agency on or before the end of the applicable sampling period(s) specified by Sections 611.356 through 611.358 during which the samples are collected.

BOARD NOTE: Derived from 40 CFR 141.90 (1992).

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(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 611.361 Recordkeeping

Any supplier subject to the requirements of this Subpart shall retain on its premises original records of all sampling data and analyses, reports, surveys, letters, evaluations, schedules, Agency determinations, and any other information required by Sections 611.351 through Section 141.88. Each supplier shall retain the records required by this section for at least 12 years.

BOARD NOTE: Derived from 40 CFR 141.91 (1992).

(Source: Added at 17 Ill. Reg. _____, effective _____)

SUBPART L: MICROBIOLOGICAL MONITORING
AND ANALYTICAL REQUIREMENTS

Section 611.521 Routine Coliform Monitoring

a) Suppliers shall collect total coliform samples at sites which are representative of water throughout the distribution system according to a written sample siting plan, which must be approved by special exception permit.

b) The monitoring frequency for total coliforms for CWSs is based on the population served by the CWS, as set forth in Table A. If a CWS serving 25 to 1,000 persons has no history of total coliform contamination in its current configuration and a sanitary survey conducted in the past five years shows that the CWS is supplied solely by a protected groundwater source and is free of sanitary defects, the Agency shall reduce the monitoring frequency specified in Table A, except that in no case shall the Agency reduce the monitoring frequency to less than one sample per quarter. The Agency shall approve the reduced monitoring frequency by special exception permit.

c) The monitoring frequency for total coliforms for non-CWSs is as follows:

1) A non-CWS using only groundwater (except groundwater under the direct influence of surface water, as determined in Section 611.212) and serving 1,000 persons or fewer shall monitor each calendar quarter that the system provides water to the public except that public health shall reduce this monitoring frequency if a sanitary survey shows that the system is free of sanitary defects. Beginning June 29, 1994, public health cannot reduce the monitoring frequency for a non-CWS using only groundwater (except groundwater under the direct influence of surface water) and serving 1,000 persons or fewer to less than once per year.

2) A non-CWS using only groundwater (except groundwater under the direct influence of surface water) and serving more than 1,000 persons during any month shall monitor at the same

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frequency as a like-sized CWS, as specified in subsection (b), except public health shall reduce this monitoring frequency for any month the system serves 1,000 persons or fewer. Public health cannot reduce the monitoring to less than once per year. For systems using groundwater under the direct influence of surface water, subsection (c)(4) applies.

3) A non-CWS using surface water, in total or in part, shall monitor at the same frequency as a like-sized CWS, as specified in subsection (b), regardless of the number of persons it serves.

4) A non-CWS using groundwater under the direct influence of surface water, shall monitor at the same frequency as a like-sized CWS, as specified in subsection (b). The supplier shall begin monitoring at this frequency beginning six months after Public Health determines that the groundwater is under the direct influence of surface water.

d) The supplier shall collect samples at regular time intervals throughout the month, except that a supplier which uses only groundwater (except groundwater under the direct influence of surface water) and serves 4,900 persons or fewer, may collect all required samples on a single day if they are taken from different sites.

e) A CWS that uses surface water or groundwater under the direct influence of surface water, and does not practice filtration in compliance with Subpart B, shall collect at least one sample near the first service connection each day the turbidity level of the source water, measured as specified in Section 611.532(b), exceeds 1 NTU. This sample must be analyzed for the presence of total coliforms. When one or more turbidity measurements in any day exceed 1 NTU, the supplier shall collect this coliform sample within 24 hours of the first exceedance, unless the Agency has determined, by special exception permit, that the supplier, for logistical reasons outside the supplier's control, cannot have the sample analyzed within 30 hours of collection. Sample results from this coliform monitoring must be included in determining compliance with the MCL for total coliforms in Section 611.325.

f) Special purpose samples, such as those taken to determine whether disinfection practices are sufficient following pipe placement, replacement or repair, must not be used to determine compliance with the MCL for total coliforms in Section 611.325.

BOARD NOTE: Derived from 40 CFR 141.21(a) (1989), as amended at 54 Fed. Reg. 27562, June 29, 1989.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART M: INORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.560 Turbidity

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The requirements in this Section apply to unfiltered PWSs until December 30, 1991, unless the Agency has determined prior to that date that filtration is required. The requirements in this Section apply to filtered PWSs until June 29, 1993. The requirements in this Section apply to unfiltered PWSs that the Agency has determined must install filtration, until June 29, 1993, or until filtration is installed, whichever is later.

a) Suppliers shall take samples at representative entry point(s) to the distribution system at least once per day, for the purposes of making turbidity measurements to determine compliance with Section 611.320.

1) If Public Health determines that a reduced sampling frequency in a non-CWS will not pose a risk to public health, it may reduce the required sampling frequency. The option of reducing the turbidity frequency will be permitted only in those suppliers that practice disinfection and which maintain an active RDC in the distribution system, and in those cases where Public Health has indicated in writing that no unreasonable risk to health existed under the circumstances of this option.

2) The turbidity measurements must be made in accordance with the following methods, incorporated by reference in Section 611.102:

- A) By the Nephelometric Method:
 - i) Standard Methods: Method 214A; or
 - ii) USEPA Inorganic Methods: Method 180.1.

B) Calibration of the turbidimeter must be made either by the use of a formazin standard as specified in the cited references, or a styrene divinylbenzene polymer standard (Amco-NEPA-1 Polymer).

b) If the result of a turbidity analysis indicates that the maximum allowable limit has been exceeded, the sampling and measurement must be confirmed by resampling as soon as practicable and preferably within one hour. If the repeat sample confirms that the maximum allowable limit has been exceeded, the supplier of water shall report to the Agency within 48 hours. The repeat sample must be the sample used for the purpose of calculating the monthly average. If the monthly average of the daily samples exceeds the maximum allowable limit, or if the average of two samples taken on consecutive days exceeds 5 NTU, the supplier of water shall report to the Agency and notify the public as directed in Subpart T.

c) Sampling for non-CWSs must begin by June 29, 1991.

d) This Section applies only to suppliers that use water obtained in whole or in part from surface sources.

BOARD NOTE: Derived from 40 CFR 141.22 (19942).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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Section 611.611 Inorganic Analysis

Analytical methods are from documents incorporated by reference in Section 611.102. These are mostly referenced by a short name defined by Section 611.102(a). Other abbreviations are defined in Section 611.101.

a) Analysis for asbestos, barium, cadmium, chromium, mercury, nitrate, nitrite, and selenium pursuant to Sections 611.600 through 611.604 must be conducted using the following methods. For approved analytical techniques for metals and selenium, the technique applicable to total metals must be used.

1) Asbestos: Transmission electron microscopy, Asbestos Methods.

2) Barium:

A) Atomic absorption, furnace technique:

- i) USEPA Inorganic Methods: Method 208.2, or
- ii) Standard Methods: Method 304;

B) Atomic absorption, direct aspiration:

- i) USEPA Inorganic Methods: Method 208.1, or
- ii) Standard Methods: Method 303C; or

C) Inductively-coupled plasma arc furnace, Inductively Coupled Plasma Method: Method 200.7, as supplemented by Method 200.7A.

3) Cadmium:

A) Atomic absorption, furnace technique:

- i) USEPA Inorganic Methods: Method 213.2, or
- ii) Standard Methods: Method 304; or

B) Inductively-coupled plasma arc furnace, Inductively Coupled Plasma Method, Method 200.7, as supplemented by Method 200.7A.

4) Chromium:

A) Atomic absorption, furnace technique:

- i) USEPA Inorganic Methods: Method 218.2, or
- ii) Standard Methods: Method 304 (The addition of 1 mL of 30% hydrogen peroxide to each 100 mL of standards and samples is required before analysis.); or

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B) Inductively-coupled plasma arc furnace, Inductively Coupled Plasma Method, Method 200.7, as supplemented by Method 200.7A.

C) Mercury:

A) Manual cold vapor technique:

- i) USEPA Inorganic Methods: Method 245.1,
- ii) ASTM D1223-86, or
- iii) Standard Methods: Method 303F; or

B) Automated cold vapor technique, USEPA Inorganic Methods: Method 245.2.

C) Nitrate:

A) Manual cadmium reduction:

- i) USEPA Inorganic Methods: Method 353.3,
- ii) ASTM D3867-90, or
- iii) Standard Methods: Method 410C;

B) Automated hydrazine reduction: USEPA Inorganic Methods: Method 353.1;

C) Automated cadmium reduction:

- i) USEPA Inorganic Methods: Method 353.2,
- ii) ASTM D3867-90, or
- iii) Standard Methods: Method 418F;

D) Ion selective electrode: WWWC/5880, available from Orion Research; or

E) Ion chromatography:

- i) USEPA Inorganic Methods: Method 300.0, or
- ii) D-1011, available from Millipore Corporation.

7) Nitrite:

A) Spectrophotometric: USEPA Inorganic Methods: Method 354.1;

B) Automated cadmium reduction:

- i) USEPA Inorganic Methods: Method 354.2,
- ii) ASTM D3867-90, or

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iii) Standard Methods: Method 418F;

C) Manual cadmium reduction:

- i) USEPA Inorganic Methods: Method 354.1,
- ii) ASTM D3867-90, or
- iii) Standard Methods: Method 418F.

D) Ion chromatography:

- i) USEPA Inorganic Methods: Method 300.0, or
- ii) Method B-1011, available from Millipore Corporation.

8) Selenium:

A) Atomic absorption, gaseous hydride: ASTM D3859-88A; or

B) Atomic absorption, furnace technique:

- i) USEPA Inorganic Methods: Method 270.2,
- ii) ASTM D3859-88B, or
- iii) Standard Methods: Method 304 (Prior to dilution of the selenium calibration standard, add 2 mL of 30% hydrogen peroxide for each 100 mL of standard).

9) Arsenic. Analyses for arsenic must be conducted using one of the following methods:

1) Atomic absorption, furnace technique: USEPA Inorganic Methods: Method 206.2;

2) Atomic absorption, gaseous hydride:

- A) USEPA Inorganic Methods: Method 206.3,
- B) ASTM D2972-88B,
- C) Standard Methods:

i) Method 307A (referencing Methods 303E and 304), or

ii) Method 307B

D) USGS Methods: I-1062-85;

3) Spectrophotometric, silver diethyldithiocarbamate:

A) USEPA Inorganic Methods: Method 206.4,

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- B) ASTM D 2972-88A, or
- C) Standard Methods: Method 307B; or
- 4) Inductively-coupled plasma arc furnace, Inductively Coupled Plasma Method, Method 200.7, as supplemented by Method 200.7A.
- c) Fluoride. Analyses for fluoride must be conducted using one of the following methods:
- 1) Colorimetric SPADNS, with distillation:
 - A) USEPA Inorganic Methods: Method 340.1,
 - B) ASTM D1179-72A, or
 - C) Standard Methods: Methods 413A and 413C;

BOARD NOTE: 40 CFR 141.23(k)(3) cites methods "43 A and C," an obvious error that the Board has corrected to "413A and 413C".
 - 2) Potentiometric, ion selective electrode:
 - A) USEPA Inorganic Methods: Method 340.2,
 - B) ASTM D1179-72B, or
 - C) Standard Methods: Method 413B;
 - 3) Automated Alizarin fluoride blue, with distillation (complexone):
 - A) USEPA Inorganic Methods: Method 340.1,
 - B) Standard Methods: Method 413E, or
 - C) Technicon Methods: Method 129-71W; or
 - 4) Automated ion selective electrode: Technicon Methods, Method 380-75WE.
- d) Sample collection for asbestos, barium, cadmium, chromium, fluoride, mercury, nitrate, nitrite and selenium pursuant to Sections 611.600 through 611.604 must be conducted using the following sample preservation, container and maximum holding time procedures:
- 1) Asbestos:
 - A) Preservative: Cool to 4° C.
 - B) Plastic or glass (hard or soft).
 - 2) Barium:
 - A) Preservative: Concentrated nitric acid to pH less

than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

3) Cadmium:

A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

4) Chromium:

A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

5) Fluoride:

A) Preservative: None.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after

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collection as possible, but in any event within 1 month.

6) Mercury:

A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 28 days.

7) Nitrate, chlorinated:

A) Preservative: Cool to 4° C.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 28 days.

8) Nitrate, non-chlorinated:

A) Preservative: Concentrated sulfuric acid to pH less than 2.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 14 days.

9) Nitrite:

A) Preservative: Cool to 4° C.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 48 hours.

10) Selenium:

A) Preservative: Concentrated nitric acid to pH less than 2. If nitric acid cannot be used because of shipping restrictions, the sample may initially be preserved by icing and immediately shipping it to the

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laboratory. Upon receipt in the laboratory, the sample must be acidified with concentrated nitric acid to pH less than 2. At the time of sample analysis, the sample container must be thoroughly rinsed with 1:1 nitric acid; washings must be added to the sample.

B) Plastic or glass (hard or soft).

C) Holding time: Samples must be analyzed as soon after collection as possible, but in any event within 6 months.

e) Analyses under this Subpart must be conducted by laboratories that received approval from USEPA or the Agency. The Agency shall approve laboratories to conduct analyses for asbestos, barium, cadmium, chromium, fluoride, mercury, nitrate, nitrite and selenium if the laboratory:

1) Analyses performance evaluation samples, provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c), that include those substances at levels not in excess of levels expected in drinking water; and

2) Achieves quantitative results on the analyses within the following acceptance limits:

- A) Asbestos, 2 standard deviations based on study statistics.
- B) Barium, $\pm 15\%$ at greater than or equal to 0.15 mg/L.
- C) Cadmium, $\pm 20\%$ at greater than or equal to 0.002 mg/L.
- D) Chromium, $\pm 15\%$ at greater than or equal to 0.01 mg/L.
- E) Fluoride, $\pm 10\%$ at 1 to 10 mg/L.
- F) Mercury, $\pm 30\%$ at greater than or equal to 0.0005 mg/L.
- G) Nitrate, $\pm 10\%$ at greater than or equal to 0.4 mg/L.
- H) Nitrite, $\pm 15\%$ at greater than or equal to 0.4 mg/L.
- I) Selenium, $\pm 20\%$ at greater than or equal to 0.01 mg/L.

BOARD NOTE: Derived from 40 CFR 141.23(k).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 611.612 Monitoring Requirements for Old Inorganic MCLs

a) Analyses for the purpose of determining compliance with the old inorganic MCLs of Section 611.300 are required as follows:

1) Analyses for all CWSs utilizing surface water sources must be repeated at yearly intervals.

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- 2) Analyses for all CWSs utilizing only groundwater sources must be repeated at three-year intervals.
- 3) This subsection corresponds with 40 CFR 141.23(1)(3) (19912), which requires monitoring for the repealed old MCL for nitrate at a frequency specified by the state. The Board has followed the USEPA lead and repealed that old MCL. This statement maintains structural consistency with USEPA rules.
- 4) This subsection corresponds with 40 CFR 141.23(1)(4) (19912), which authorizes the state to determine compliance and initiate enforcement action. This authority exists through the authorization of the Act, not thorough federal rules. This statement maintains structural consistency with USEPA rules.
- b) If the result of an analysis made under subsection (a) indicates that the level of any contaminant listed in Section 611.300 exceeds the old MCL, the supplier shall report to the Agency within 7 days and initiate three additional analyses at the same sampling point within one month.
- c) When the average of four analyses made pursuant to subsection (b), rounded to the same number of significant figures as the old MCL for the substance in question, exceeds the old MCL, the supplier shall notify the Agency and give notice to the public pursuant to Subpart T. Monitoring after public notification must be at a frequency designated by the Agency by a SEP granted pursuant to Section 611.110 and must continue until the old MCL has not been exceeded in two successive samples or until a different monitoring schedule becomes effective as a condition to a variance, an adjusted standard, a site specific rule, an enforcement action, or another SEP granted pursuant to Section 611.110.
- d) This subsection corresponds with 40 CFR 141.23(o) (19912), which pertains to monitoring for the repealed old MCL for nitrate. The Board has followed the USEPA action and repealed that old MCL. This statement maintains structural consistency with USEPA rules.
- e) This subsection corresponds with 40 CFR 141.23(p) (19912), which pertains to the use of existing data up until a date long since expired. The Board did not adopt the original provision in R88-26. This statement maintains structural consistency with USEPA rules.
- f) Analyses conducted to determine compliance with the old MCLs of Section 611.300 must be made in accordance with the following methods, incorporated by reference in Section 611.102.

1) Arsenic:

- A) ASTM:
- i) Method D2972-88A, or
 - ii) Method D2972-88B;

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- B) Standard Methods:
- i) Method 307A, or
 - ii) Method 307B;
- C) USGS Methods, Method I-1062-85;
- D) USEPA Inorganic Methods:
- i) Method 206.2, or
 - ii) Method 206.3; or
- E) ~~Inductively Coupled Plasma~~ICP Method 200.7, as supplemented by appendix 200.7A.
- 2) Barium:
- A) Standard Methods: Method 308;
- B) USEPA Inorganic Methods:
- i) Method 208.1, or
 - ii) Method 208.2; or
- C) ~~Inductively Coupled Plasma~~ICP Method 200.7, as supplemented by appendix 200.7A.
- 3) ~~Lead~~:
- A) ~~ASTM~~:
- i) ~~Method D3559-78A, or~~
 - ii) ~~Method D3559-78B;~~
- B) ~~Standard Methods~~:
- i) ~~Method 301A (II), or~~
 - ii) ~~Method 301A (III);~~
- C) ~~Inorganic Methods~~:
- i) ~~Method 239.1, or~~
 - ii) ~~Method 239.2, or~~
- D) ~~Inductively Coupled Plasma~~ Method 200.7, as supplemented by appendix 200.7A.
- 43) Fluoride: The methods specified in Section 611.611(c) shall apply for the purposes of this Section.
- 5) ~~Copper~~:

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- A) ~~ASTM:~~
 i) ~~Method D1688-84D, or~~
 ii) ~~Method D1688-84E~~
 B) ~~Standard Methods:~~
 i) ~~Method 303A~~
 ii) ~~Method 303B, or~~
 iii) ~~Method 304~~
 C) ~~Inorganic Methods:~~
 i) ~~Method 220.1, or~~
 ii) ~~Method 220.2, or~~
 D) ~~Inductively-Coupled Plasma Method 200.7, as~~
~~supplemented by appendix 200.7A~~
 64) Cyanide:
 A) Standard Methods: Method 412D, or
 B) USEPA Inorganic Methods: Method 335.2.
 75) Iron:
 A) Standard Methods: Method 303A;
 B) USEPA Inorganic Methods:
 i) Method 236.1, or
 ii) Method 236.2; or
 C) ~~Inductively-Coupled Plasma ICP Method 200.7, as~~
~~supplemented by appendix 200.7A.~~
 86) Manganese:
 A) ASTM: Method D858-84;
 B) Standard Methods: Method 303A;
 C) USEPA Inorganic Methods:
 i) Method 243.1, or
 ii) Method 243.2; or
 D) ~~Inductively-Coupled Plasma ICP Method 200.7, as~~
~~supplemented by appendix 200.7A.~~
 97) Zinc:

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- A) Standard Methods: Method 303A; or
 B) USEPA Inorganic Methods:
 i) Method 289.1, or
 ii) Method 289.2.

BOARD NOTE: The provisions of subsections (a) through (f) apply to additional state requirements. Subsections (a) through (f) (3) derived from 40 CFR 141.23(l) through (q) (19942). The Board has deleted several analytical methods codified by USEPA at 40 CFR 141.23(q) (formerly 40 CFR 141.23(f)) because the MCLs of 40 CFR 141.11 expired for those contaminants on July 30 and November 30, 1992. Subsection (f)(43) relates to a contaminant for which USEPA specifies an MCL, but for which it repealed the analytical method. Subsections (f)(54) through (f)(98) relate exclusively to additional state requirements. The predecessor to subsections (a) through (e) was formerly codified as Section 611.601. The predecessor to subsection (f) was formerly codified as Section 611.606.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 611.630 Special Monitoring for Sodium

- a) CWS suppliers shall collect and analyze one sample per plant at the entry point of the distribution system for the determination of sodium concentration levels; samples must be collected and analyzed annually for CWSs utilizing surface water sources in whole or in part, and at least every three years for CWSs utilizing solely groundwater sources. The minimum number of samples required to be taken by the supplier is based on the number of treatment plants used by the supplier, except that multiple wells drawing raw water from a single aquifer may, with the Agency approval, be considered one treatment plant for determining the minimum number of samples. The Agency shall require the supplier to collect and analyze water samples for sodium more frequently in locations where the sodium content is variable.
- b) The CWS supplier shall report to the Agency the results of the analyses for sodium within the first 10 days of the month following the month in which the sample results were received or within the first 10 days following the end of the required monitoring period as specified by SEP, whichever of these is first. If more than annual sampling is required the supplier shall report the average sodium concentration within 10 days of the month following the month in which the analytical results of the last sample used for the annual average was received.
- c) The CWS supplier shall notify the Agency and appropriate local

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public health officials of the sodium levels by written notice by direct mail within three months. A copy of each notice required to be provided by this subsection must be sent to the Agency within 10 days of its issuance.

- d) Analyses for sodium must be performed by the following methods, incorporated by reference in Section 611.102:

1) Standard Methods, Methods 320 and 320A, flame photometric method;

2) USEPA Inorganic Methods:

A) Method 273.1, Atomic Absorption - Direct Aspiration; or

B) Method 273.2, Atomic Absorption - Graphite Furnace; or

3) ASTM Method D1428-64.

BOARD NOTE: Derived from 40 CFR 141.41 (19942).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART O: ORGANIC MONITORING AND ANALYTICAL REQUIREMENTS

Section 611.640 Definitions

The following terms are defined for use in this Subpart only. Additional definitions are located in Section 611.102.

"Old MCL" means an MCL in Section 611.310. These include the MCLs identified as "additional state requirements" and those derived from 40 CFR 141.12, but excluding TTHM. "Old MCLs" includes the Section 611.310 MCLs for the following contaminants:

Aldrin
2,4-D
DDT
Dieldrin
Endrin
Heptachlor

Heptachlor epoxide

BOARD NOTE: 2,4-D, heptachlor, and heptachlor epoxide are also "Phase II SOCs". The additional state requirements of Section 611.310 impose a more stringent "old MCL" for each of these compounds than that imposed on them as Phase II SOCs by Section 611.311. However, the requirements for sampling and monitoring for these compounds as Phase II SOCs and the consequences of their detection and violation of their revised MCLs is more stringent as Phase II SOCs.

"Phase II SOCs" means:

Aldrin
Aspiration

Carbofuran
Chlordane
Dibromochloropropane
Ethylene dibromide
Heptachlor
Heptachlor epoxide
Lindane
Methoxychlor
Polychlorinated biphenyls
Toxaphene
2,4-D
2,4,5-TP
BOARD NOTE: These are organic contaminants regulated at 40 CFR 141.61(c)(1) through (c)(18) (19942). The MCLs for these contaminants are located at Section 611.311. More stringent MCLs for heptachlor, heptachlor epoxide, and 2,4-D are found as "additional state requirements" in Section 611.310.

"Phase IIB SOCs" means:

Aldicarb
Aldicarb Sulfone
Aldicarb Sulfoxide
Pentachlorophenol

BOARD NOTE: These are organic contaminants regulated at 40 CFR 141.61(c)(1) through (c)(18) (1992). The MCLs for these contaminants are located at Section 611.311. The effectiveness of the Section 611.311 MCLs for aldicarb, aldicarb sulfone, and aldicarb sulfoxide are administratively stayed until the Board takes further administrative action to end this stay. However, suppliers must monitor for these three SOCs pursuant to Section 611.648. See 40 CFR 141.61(g) (1992) and 57 Fed. Reg. 22178 (May 27, 1992).

"Phase I VOCs" means:

Benzene
Carbon tetrachloride
p-Dichlorobenzene
1,2-Dichloroethane
1,1-Dichloroethylene
1,1,1-Trichloroethane
Trichloroethylene
Vinyl chloride

BOARD NOTE: These are the organic contaminants regulated at 40 CFR 141.61(a)(1) through (a)(8) (19942). The MCLs for these contaminants are located at Section 611.311(a).

"Phase II VOCs" means:

o-Dichlorobenzene
cis-1,2-Dichloroethylene
trans-1,2-Dichloroethylene
1,2-Dibromochloropropane
Ethylbenzene
Methoxychlor

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Styrene
Tetrachloroethylene
Toluene
Xylenes (total)

BOARD NOTE: These are organic contaminants regulated at 40 CFR 141.61(a)(9) through (a)(18) (19912). The MCLs for these contaminants are in Section 611.311(a).

"Revised MCL" means an MCL in Section 611.311. This term includes MCLs for "Phase I VOCs", "Phase II VOCs" and "Phase II SOCs".

Source: Amended at 17 Ill. Reg. _____, effective _____

Section 611.646 Phase I and Phase II Volatile Organic Contaminants
Monitoring of the Phase I VOCs and Phase II VOCs for the purpose of determining compliance with the MCL must be conducted as follows:

a) Definitions. As used in this Section:

"Detect" and "detection" means that the contaminant of interest is present at a level greater than or equal to the "detection limit".

"Detection limit" means 0.0005 mg/L.

BOARD NOTE: Derived from 40 CFR 141.24(f)(7), (f)(11), (f)(14)(ii), and (f)(20) (19912). This is a "trigger level" for Phase I VOCs and Phase II VOCs inasmuch as it prompts further action. The use of the term "detect" in this section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method detection limit". Note, however that certain language at the end of federal paragraph (f)(20) is capable of meaning that the "method detection limit" is used to derive the "detection limit". The Board has chosen to disregard that language at the end of paragraph (f)(20) in favor of the more direct language of paragraphs (f)(7) and (f)(11).

"Method detection limit", as used in subsections (q) and (t) means the minimum concentration of a substance that can be measured and reported with 99 percent confidence that the analyte concentration is greater than zero and is determined from analysis of a sample in a given matrix containing the analyte.

BOARD NOTE: Derived from 40 CFR 136, Appendix B (19912). The method detection limit is determined by the procedure set forth in 40 CFR 136, Appendix B. See subsection (t).

b) Required sampling. Each supplier shall take a minimum of one sample at each sampling point at the times required in subsection (u).

c) Sampling points.

1) Sampling points for GWSs. Unless otherwise provided by SEP, a GWS supplier shall take at least one sample from each of the following points: each entry point that is representative of each well after treatment.

2) Sampling points for SWSs and mixed systems. Unless otherwise provided by SEP, a SWS or mixed system supplier shall sample from each of the following points:

- A) Each entry point after treatment; or
- B) Points in the distribution system that are representative of each source.

3) The supplier shall take each sample at the same sampling point unless the Agency has granted a SEP that designates another location as more representative of each source, treatment plant, or within the distribution system.

4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) derived from 40 CFR 141.24(f)(1) through (f)(3) (19912).

d) Each CWS and NTCWS supplier shall take four consecutive quarterly samples for each of the Phase I VOCs, excluding vinyl chloride, and Phase II VOCs during each compliance period, beginning in the compliance period starting January 1, 1993.

e) Reduction to annual monitoring frequency. If the initial monitoring for the Phase I VOCs and Phase II VOCs as allowed in subsection (r)(1) has been completed by December 31, 1992, and the supplier did not detect any of the Phase I VOCs, including vinyl chloride, or Phase II VOCs, then the supplier shall take one sample annually beginning January 1, 1993.

f) GWS reduction to triennial monitoring frequency. After a minimum of three years of annual sampling, GWS suppliers that have not previously detected any of the Phase I VOCs, including vinyl chloride, or Phase II VOCs shall take one sample during each three-year compliance period.

g) A CWS or NTCWS supplier that has completed the initial round of monitoring required by subsection (d) and which did not detect any of the Phase I VOCs, including vinyl chloride, and Phase II VOCs may apply to the Agency for a SEP pursuant to Section 611.110 that releases it from the requirements of subsection (e) or (f).

BOARD NOTE: Derived from 40 CFR 141.24(f)(7) and (f)(10) (19912). Provisions concerning the term of the waiver appear below in subsections (i) and (j). The definition of "detect", parenthetically added to the federal counterpart paragraph is in subsection (a).

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- h) Vulnerability Assessment. The Agency shall consider the factors of Section 611.110(e) in granting a SEP from the requirements of subsections (e) or (f) sought pursuant to subsection (g).
- i) A SEP issued to a GWS pursuant to subsection (g) is for a maximum of six years. As a condition of a SEP, the supplier shall, within 30 months after the beginning of the period for which the waiver was issued, reconfirm its vulnerability assessment required by subsection (h) and submitted pursuant to subsection (g), by taking one sample at each sampling point and reapplying for a SEP pursuant to subsection (g). Based on this application, the Agency shall either:

- 1) If it determines that the PWS meets the standard of Section 611.610(e), issue a SEP that reconfirms the prior SEP for the remaining three-year compliance period of the six-year maximum term; or,
- 2) Issue a new SEP requiring the supplier to sample annually.

BOARD NOTE: This provision does not apply to SWSs and mixed systems.

- j) Special considerations for SEPs for SWS and mixed systems.

- 1) The Agency must determine that a SWS is not vulnerable before issuing a SEP pursuant to a SWS supplier. A SEP issued to a SWS or mixed system supplier pursuant to subsection (g) is for a maximum of one compliance period; and
- 2) The Agency may require, as a condition to a SEP issued to a SWS or mixed supplier, that the supplier take such samples for Phase I VOCs and Phase II VOCs at such a frequency as the Agency determines are necessary, based on the vulnerability assessment.

BOARD NOTE: There is a great degree of similarity between 40 CFR 141.24(f)(7), the provision applicable to GWSs, and 40 CFR 141.24(f)(10), the provision for SWSs. The Board has consolidated the common requirements of both paragraphs into subsection (g). Subsection (j) represents the elements unique to SWSs and mixed systems, and subsection (i) relates to GWSs. Although 40 CFR 141.24(f)(7) and (f)(10) are silent as to mixed systems, the Board has included mixed systems with SWSs because this best follows the federal scheme for all other contaminants.

- k) If one of the Phase I VOCs, excluding vinyl chloride, or Phase II VOCs is detected in any sample, then:

- 1) The supplier shall monitor quarterly for that contaminant at each sampling point that resulted in a detection.
 - 2) Annual monitoring.
- A) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the

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monitoring frequency to annual at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.

- B) A request for a SEP must include the following minimal information:

- i) For a GWS, two quarterly samples.
- ii) For a SWS or mixed system, four quarterly samples.

- C) In issuing a SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (k)(1) if it violates the MCL specified by Section 611.311.

- 3) Suppliers that monitor annually shall monitor during the quarter(s) that previously yielded the highest analytical result.

- 4) Suppliers that do not detect a contaminant at a sampling point in three consecutive annual samples may apply to the Agency for a SEP pursuant to Section 611.110 that allows it to discontinue monitoring for that contaminant at that point, as specified in subsection (g).

- 5) A GWS supplier that has detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A) shall monitor quarterly for vinyl chloride as described in subsection (k)(5)(B), subject to the limitation of subsection (k)(5)(C).

- A) Two-carbon contaminants (Phase I or II VOC):

1,2-Dichloroethane (Phase I)
1,1-Dichloroethylene (Phase I)
cis-1,2-Dichloroethylene (Phase II)
trans-1,2-Dichloroethylene (Phase II)
Tetrachloroethylene (Phase II)
1,1-Trichloroethylene (Phase I)
Trichloroethylene (Phase I)

- B) The supplier shall sample quarterly for vinyl chloride at each sampling point at which it detected one or more of the two-carbon contaminants listed in subsection (k)(5)(A).

- C) The Agency shall grant a SEP pursuant to Section 611.110 that allows the supplier to reduce the monitoring frequency for vinyl chloride at any sampling point to once in each three-year compliance period if it determines that the supplier has not detected vinyl chloride in first sample required by

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subsection (k)(5)(B).

1) Quarterly monitoring following MCL violations.

- 1) Suppliers that violate an MCL for one of the Phase I VOCs, including vinyl chloride, or Phase II VOCs, as determined by subsection (o), shall monitor quarterly for that contaminant, at the sampling point where the violation occurred, beginning the next quarter after the violation.

2) Annual monitoring.

- A) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to reduce the monitoring frequency to annually if it determines that the sampling point is reliably and consistently below the MCL.
- B) A request for a SEP must include the following minimal information: four quarterly samples.
- C) In issuing a SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (1)(1) if it violates the MCL specified by Section 611.311.
- D) The supplier shall monitor during the quarter(s) that previously yielded the highest analytical result.

m) Confirmation samples. The Agency may issue a SEP pursuant to Section 610.110 to require a supplier to use a confirmation sample for results that it finds dubious for whatever reason. The Agency must state its reasons for issuing the SEP if the SEP is Agency-initiated.

- 1) If a supplier detects any of the Phase I VOCs or Phase II VOCs in a sample, the supplier shall take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.
- 2) Averaging is as specified in subsection (o).
- 3) The Agency shall delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.

n) This subsection corresponds with 40 CFR 141.24(f)(14), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.

o) Compliance with the MCLs for the Phase I VOCs and Phase II VOCs must be determined based on the analytical results obtained at

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each sampling point.

- 1) For suppliers that conduct monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.
 - A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.
 - B) If the initial sample or a subsequent sample would cause the annual average to exceed the MCL, then the supplier is out of compliance immediately.
 - C) Any samples below the detection limit shall be deemed as zero for purposes of determining the annual average.
- 2) If monitoring is conducted annually, or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is taken, the determination of compliance is based on the average of two samples.
- 3) Public notice for a supplier out of compliance is governed by Subpart T.

p) Analyses for the Phase I VOCs and Phase II VOCs must be conducted using the following methods. These methods are contained in USEPA Organic Methods, incorporated by reference in Section 611.102:

- 1) Method 502.1, "Volatile Halogenated Organic Chemicals in Water by Purge and Trap Gas Chromatography."
- 2) Method 502.2, "Volatile Organic Compounds in Water by Purge and Trap Capillary Column Gas Chromatography with Photoionization and Electrolytic Conductivity Detectors in Series."
- 3) Method 503.1, "Volatile Aromatic and Unsaturated Organic Compounds in Water by Purge and Trap Gas Chromatography."
- 4) Method 524.1, "Measurement of Purgeable Organic Compounds in Water by Purged Column Gas Chromatography/Mass Spectrometry."
- 5) Method 524.2, "Measurement of Purgeable Organic Compounds in Water by Capillary Column Gas Chromatography/Mass Spectrometry."

q) Analysis under this Section must only be conducted by laboratories that have received approval by USEPA or the Agency according to the following conditions:

- 1) To receive conditional approval to conduct analyses for the Phase I VOCs, excluding vinyl chloride, and Phase II VOCs the laboratory must:
 - A) Analyze performance evaluation samples that include

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these substances provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c);

- B) Achieve the quantitative acceptance limits under subsections (q)(1)(C) and (D) for at least 80 percent of the Phase I VOCs, excluding vinyl chloride, or Phase II VOCs, except vinyl chloride;
 - C) Achieve quantitative results on the analyses performed under subsection (q)(1)(A) that are within ± 20 percent of the actual amount of the substances in the performance evaluation sample when the actual amount is greater than or equal to 0.010 mg/L; and,
 - D) Achieve quantitative results on the analyses performed under subsection (q)(1)(A) that are within ± 40 percent of the actual amount of the substances in the performance evaluation sample when the actual amount is less than 0.010 mg/L; and,
 - E) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, appendix B, incorporated by reference in Section 611.102.
- 2) To receive conditional approval to conduct analyses for vinyl chloride the laboratory must:
- A) Analyze performance evaluation samples provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c);
 - B) Achieve quantitative results on the analyses performed under subsection (q)(2)(A) that are within ± 40 percent of the actual amount of vinyl chloride in the performance evaluation sample;
 - C) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, appendix B, incorporated by reference in Section 611.102; and
 - D) Obtain certification pursuant to subsection (q)(1) for Phase I VOCs, excluding vinyl chloride, and Phase II VOCs.

r) Use of existing data.

- 1) The Agency shall allow the use of data collected after January 1, 1988 but prior to the effective date of this Section, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section.
- 2) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to monitor annually beginning January 1, 1993 if it determines that the supplier did not detect any Phase I VOC or Phase II VOC using existing data allowed pursuant to subsection (r)(1).

s) The Agency shall, by SEP, increase the number of sampling points

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or the frequency of monitoring if it determines that it is necessary to detect variations within the PWS.

- t) Each laboratory approved for the analysis of Phase I VOCs or Phase II VOCs pursuant to subsection (q)(1) or (q)(2) shall:
 - 1) Determine the method detection limit (MDL), as defined in 40 CFR 136, Appendix B, incorporated by reference in Section 611.102, at which it is capable of detecting the Phase I VOCs and Phase II VOCs; and,
 - 2) Achieve an MDL for each Phase I VOC and Phase II VOC that is less than or equal to 0.0005 mg/L.

u) Each supplier shall monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.

BOARD NOTE: Derived from 40 CFR 141.24(f) (19942).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 611.647 Sampling for Phase I Volatile Organic Contaminants

For systems in operation before January 1, 1993, for purposes of initial monitoring, analysis of Phase I VOCs for purposes of determining compliance with the MCLs must be conducted as follows:

- a) GWS suppliers shall sample at entry points representative of each well after treatment. Sampling must be conducted at the same location(s) or more representative location(s) every three months for one year except as provided in subsection (h)(1).
- b) SWS and mixed system suppliers using surface sources shall sample at points in the distribution system representative of each source or at entry points to the distribution system after any application of treatment. SWSs and mixed system suppliers shall sample each source every three months except as provided in subsection (h)(2). Sampling must be conducted at the same location or a more representative location each quarter.
- c) If the system draws water from more than one source and sources are combined before distribution, the supplier shall sample at an entry point to the distribution system during periods of normal operating conditions.
- d) Time for sampling.
 - 1) All CWS and NTCWS suppliers serving more than 3,300 people shall analyze all distribution or entry-point samples, as appropriate, representing all source waters.
 - 2) All other CWS and NTCWS suppliers shall analyze distribution or entry-point samples, as required in this paragraph, representing all source waters beginning no later than January 1, 1991.
- e) If the results exceed the MCL, the CWS or NTCWS supplier shall

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initiate three additional analyses at the same sampling point within one month. The sample results must be averaged with the first sampling result and used for compliance determination in accordance with subsection (i). The Agency shall delete results of obvious sampling errors from this calculation.

- f) Analysis for vinyl chloride is required only for GWSs that have detected one or more of the following two-carbon organic compounds: Trichloroethylene, tetrachloroethylene, 1,2-dichloroethane, 1,1,1-trichloroethane, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene or 1,1-dichloroethylene. The analysis for vinyl chloride is required at each distribution or entry point at which one or more of the two-carbon organic compounds were found. If the first analysis does not detect vinyl chloride, the Agency shall reduce the frequency of vinyl chloride monitoring to once every three years for that sample location or other sample locations that are more representative of the same source.

- g) The Agency or suppliers may composite up to five samples from one or more suppliers. Compositing of samples is to be done in the laboratory by the procedures listed below. Samples must be analyzed within fourteen days of collection. If any of the Phase I VOCs is detected in the original composite sample, a sample from each source that made up the composite sample must be reanalyzed individually within fourteen days from sampling. The sample for reanalysis cannot be the original sample but can be a duplicate sample. If duplicates of the original samples are not available, new samples must be taken from each source used in the original composite and analyzed for the Phase I VOCs. Reanalysis must be accomplished within fourteen days of the second sample. To composite samples, the following procedure must be followed:

- 1) Compositing samples prior to GC analysis.
 - A) Add 5 ml or equal larger amounts of each sample (up to 5 samples are allowed) to a 25 ml glass syringe. Special precautions must be made to maintain zero headspace in the syringe.
 - B) The samples must be cooled at 4° C during this step to minimize volatilization losses.
 - C) Mix well and draw out a 5-ml aliquot for analysis.
 - D) Follow sample introduction, purging and desorption steps described in the method.
 - E) If less than five samples are used for compositing, a proportionately smaller syringe may be used.
- 2) Compositing samples prior to GC/MS analysis.
 - A) Inject 5-ml or equal larger amounts of each aqueous sample (up to 5 samples are allowed) into a 25-ml purging device using the sample introduction technique described in the method.
 - B) The total volume of the sample in the purging device

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must be 25 ml.

- C) Purge and desorb as described in the method.

- h) Until January 1, 1993, the Agency shall, by SSP, reduce the monitoring frequency specified in subsections (a) and (b) if it makes the following determinations:

- i) The monitoring frequency for GWSs is as follows:

- A) If none of the Phase I VOCs are detected in the first sample for any subsequent samples that may be taken and the GWS is not vulnerable as defined in subsection (h)(4), monitoring must be reduced to one sample and must be repeated every 5 years.
 - B) If none of the Phase I VOCs are detected in the first sample (or any subsequent sample that may be taken) and the GWS is vulnerable as defined in subsection (h)(4):
 - i) Monitoring one sample must be repeated every 3 years for GWSs with more than 500 connections.
 - ii) Monitoring one sample must be repeated every 5 years for GWSs with 500 or fewer connections.
 - C) If one of the Phase I VOCs is detected in the first sample (or any subsequent sample that may be taken) regardless of vulnerability, monitoring must be repeated every 3 months, as required under subsection (a).
- 2) The repeat monitoring frequency for GWSs and mixed systems is as follows:
- A) If none of the Phase I VOCs is detected in the first year of quarterly sampling (or any other subsequent sample that may be taken) and the GWS is not vulnerable as defined in subsection (h)(4), additional monitoring is not required.
 - B) If none of the Phase I VOCs is detected in the first year of quarterly sampling (or any other subsequent sample that may be taken) and the GWS is vulnerable as defined in subsection (h)(4):
 - i) Monitoring must be repeated every three years (for GWS with more than 500 connections).
 - ii) Monitoring must be repeated every five years (for GWS with 500 or fewer connections).
 - C) If one of the Phase I VOCs is detected in the first year of quarterly sampling (or any other subsequent sample that may be taken), regardless of vulnerability, monitoring must be repeated every 3 months, as required under subsection (b).

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3) ~~The Agency shall, by SEP, reduce the frequency of monitoring to once per year for a CWS or NWC which detects one of the Phase I VOCs at levels consistently less than the MCL for three consecutive years, unless the levels are increasing.~~

4) ~~The Agency shall, by SEP, determine the vulnerability of each CWS based upon an assessment of the following factors:~~

- A) ~~Previous monitoring results.~~
- B) ~~Number of persons served by CWS.~~
- C) ~~Proximity of a smaller CWS to a larger CWS.~~
- D) ~~Proximity to commercial or industrial use, disposal or storage of the Phase I VOCs.~~
- E) ~~Protection of the water source.~~

5) ~~A CWS is deemed to be vulnerable for a period of three years after any positive measurement of one or more contaminants listed in Sections 611.650(e), 611.657(d) or 611.711(a), except for THMs or other demonstrated disinfection by-product.~~

This subsection corresponds with 40 CFR 141.24(q)(8), the effectiveness of which expired on January 1, 1993. Although USEPA has not repealed this provision, the Board has done so to avoid confusion. This statement maintains structural integrity with USEPA rules.

- i) Compliance with Section 611.311(a) is determined based on the results of running annual average of quarterly sampling for each sampling location. If one location's average is greater than the MCL, then the CWS or NWCWS is deemed to be out of compliance. If a CWS or NWCWS has a distribution system separable from other parts of the distribution system with no interconnections, only that part of the system that exceeds any MCL as specified in Section 611.311(a) is deemed out of compliance. The Agency shall, by SEP, reduce the public notice requirement to that portion of the CWS that is out of compliance. If any one sample result would cause the annual average to be exceeded, then the CWS is deemed to be out of compliance immediately. For CWS suppliers that only take one sample per location because none of the Phase I VOCs were detected, compliance is based on that one sample.

j) Analysis under this Section must be conducted using the following methods or alternatives approved pursuant to Section 611.480. These methods are contained in USEPA Organic Methods, incorporated by reference in Section 611.102:

- 1) Method 502.1.
- 2) Method 503.1.
- 3) Method 524.1.
- 4) Method 524.2.

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Method 502.2.

k) Analysis under this Section must only be conducted by laboratories that have received conditional approval by the Agency, pursuant to Section 611.490, according to the following conditions:

1) To receive conditional approval to conduct analyses for the Phase I VOCs, except vinyl chloride, the laboratory shall:

- A) Analyze performance evaluation samples that include these substances provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c)(3).
- B) Achieve the quantitative acceptance limits under subsection (k)(1)(C) or (D) for at least six of the Phase I VOCs, except vinyl chloride.

C) Achieve quantitative results on the analyses performed under subsection (k)(1)(A) that are within ± 20 percent of the actual amount of the substances in the performance evaluation sample when the actual amount is greater than or equal to 0.010 mg/L.

D) Achieve quantitative results on the analyses performed under subsection (k)(1)(A) that are within ± 40 percent of the actual amount of the substances in the performance evaluation sample when the actual amount is less than 0.010 mg/L.

E) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, App. B, incorporated by reference in Section 611.102.

F) Be currently approved by the Agency for the analyses of THMs under Subpart P.

2) To receive conditional approval for vinyl chloride, the laboratory shall:

A) Analyze performance evaluation samples provided by the Agency. (See 35 Ill. Adm. Code 183.125(c)(3).)

B) Achieve quantitative results on the analyses performed under subsection (k)(2)(A) that are within ± 40 percent of the actual amount of vinyl chloride in the performance evaluation sample.

C) Achieve a method detection limit of 0.0005 mg/L, according to the procedures in 40 CFR 136, App. B, incorporated by reference in Section 611.102.

D) Receive approval or be currently approved by the Agency under subsection (k)(1).

1) The Agency shall, by SEP, increase required monitoring where it determines that it is necessary to do so to detect variations within the CWS.

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m) This subsection corresponds with 40 CFR 141.24(g)(14), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.

o) Each approved laboratory shall determine the method detection limit (MDL), as defined in 40 CFR 136, App. B, incorporated by reference in Section 611.102, at which it is capable of detecting each of the Phase I VOCs. The acceptable MDL is 0.0005 mg/L. This concentration is the detection level for purposes of subsections (e), (f), (g) and (h).

BOARD NOTE: Derived from 40 CFR 141.24(g) (19942).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 611.648 Phase II Synthetic Organic Contaminants

Analysis of the Phase II SOCs for the purposes of determining compliance with the MCL must be conducted as follows:

a) Definitions. As used in this Section:

"Detect or detection" means that the contaminant of interest is present at a level greater than or equal to the "detection limit".

"Detection limit" means the level of the contaminant of interest that is specified in subsection (r).

BOARD NOTE: This is a "trigger level" for Phase II SOCs inasmuch as it prompts further action. The use of the term "detect" or "detection" in this section is not intended to include any analytical capability of quantifying lower levels of any contaminant, or the "method detection limit".

b) Required sampling. Each supplier shall take a minimum of one sample at each sampling point at the times required in subsection (g).

BOARD NOTE: USEPA stated the effective date of the MCLs for aldicarb, aldicarb sulfone, and aldicarb sulfoxide at 57 Fed. Reg. 22178 (May 27, 1991). Section 611.311(c) includes this stay. However, despite the stay of the effectiveness of the MCLs for these three SOCs, suppliers must monitor for them.

c) Sampling points.

1) Sampling points for GWSs. Unless otherwise provided by SEP, a GWS supplier shall take at least one sample from each of the following points: each entry point that is representative of each well after treatment.

2) Sampling points for SWSs and mixed systems. Unless otherwise provided by SEP, a SWS or mixed system supplier shall sample from each of the following points:

- A) Each entry point after treatment; or
- B) Points in the distribution system that are representative of each source.

3) The supplier shall take each sample at the same sampling point unless the Agency has granted a SEP that designates another location as more representative of each source, treatment plant, or within the distribution system.

4) If a system draws water from more than one source, and the sources are combined before distribution, the supplier shall sample at an entry point during periods of normal operating conditions when water is representative of all sources being used.

BOARD NOTE: Subsections (b) and (c) derived from 40 CFR 141.24(h)(1) through (h)(3) (19942).

d) Monitoring frequency:

1) Each CWS and NTNCS supplier shall take four consecutive quarterly samples for each of the Phase II SOCs during each compliance period, beginning in the three-year compliance period starting January 1, 1993.

2) Suppliers serving more than 3,300 persons that do not detect a contaminant in the initial compliance period, shall take a minimum of two quarterly samples in one year of each subsequent three-year compliance period.

3) Suppliers serving less than or equal to 3,300 persons that do not detect a contaminant in the initial compliance period, shall take a minimum of one sample during each subsequent three-year compliance period.

e) Reduction to annual monitoring frequency. A CWS or NTNCS supplier may apply to the Agency for a SEP that releases it from the requirements of subsection (d). A SEP from the requirement of subsection (d) shall last for only a single three-year compliance period.

f) Vulnerability Assessment. The Agency shall grant a SEP from the requirements of subsection (d) based on consideration of the factors set forth at Section 611.110(e).

g) If one of the Phase II SOCs is detected in any sample, then:

1) The supplier shall monitor quarterly for the contaminant at each sampling point that resulted in a detection.

2) Annual monitoring.

A) A supplier may request that the Agency grant a SEP pursuant to Section 610.110 that reduces the monitoring frequency to annual.

B) A request for a SEP must include the following minimal

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Information:

- i) For a GWS, two quarterly samples.
 - ii) For a SWS or mixed system, four quarterly samples.
- C) The Agency shall grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.
- D) In issuing the SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (g)(1) if it detects any Phase II SOC.

3) Suppliers that monitor annually shall monitor during the quarter(s) that previously yielded the highest analytical result.

4) Suppliers that have three consecutive annual samples with no detection of a contaminant at a sampling point may apply to the Agency for a SEP with respect to that point, as specified in subsections (e) and (f).

5) Monitoring for related contaminants.

A) If monitoring results in detection of one or more of the related contaminants listed in subsection (g)(5)(B), subsequent monitoring shall analyze for all the related compounds in the respective group.

B) Related contaminants:

- i) first group:
 - aldicarb
 - aldicarb sulfone
 - aldicarb sulfoxide
- ii) second group:
 - heptachlor
 - heptachlor epoxide,

h) Quarterly monitoring following MCL violations.

1) Suppliers that violate an MCL for one of the Phase II SOCs, as determined by subsection (k), shall monitor quarterly for that contaminant at the sampling point where the violation occurred, beginning the next quarter after the violation.

2) Annual monitoring.

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- A) A supplier may request that the Agency grant a SEP pursuant to Section 611.110 that reduces the monitoring frequency to annual.
- B) A request for a SEP must include, at a minimum, the results from four quarterly samples.
- C) The Agency shall grant a SEP that allows annual monitoring at a sampling point if it determines that the sampling point is reliably and consistently below the MCL.
- D) In issuing the SEP, the Agency shall specify the level of the contaminant upon which the "reliably and consistently" determination was based. All SEPs that allow less frequent monitoring based on an Agency "reliably and consistently" determination shall include a condition requiring the supplier to resume quarterly monitoring pursuant to subsection (h)(1) if it detects any Phase II SOC.
- E) The supplier shall monitor during the quarter(s) that previously yielded the highest analytical result.

i) Confirmation samples.

1) If any of the Phase II SOCs are detected in a sample, the supplier shall take a confirmation sample as soon as possible, but no later than 14 days after the supplier receives notice of the detection.

2) Averaging is as specified in subsection (k).

3) The Agency shall delete the original or confirmation sample if it determines that a sampling error occurred, in which case the confirmation sample will replace the original or confirmation sample.

j) This subsection corresponds with 40 CFR 141.24(h)(10), an optional USEPA provision relating to compositing of samples that USEPA does not require for state programs. This statement maintains structural consistency with USEPA rules.

k) Compliance with the MCLs for the Phase II SOCs shall be determined based on the analytical results obtained at each sampling point.

1) For suppliers that are conducting monitoring at a frequency greater than annual, compliance is determined by a running annual average of all samples taken at each sampling point.

A) If the annual average of any sampling point is greater than the MCL, then the supplier is out of compliance.

B) If the initial sample or a subsequent sample would cause the annual average to be exceeded, then the supplier is out of compliance immediately.

C) Any samples below the detection limit must be

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calculated as zero for purposes of determining the annual average.

- 2) If monitoring is conducted annually or less frequently, the supplier is out of compliance if the level of a contaminant at any sampling point is greater than the MCL. If a confirmation sample is taken, the determination of compliance is based on the average of two samples.
- 3) Public notice for a supplier out of compliance is governed by Subpart T.
BOARD NOTE: Derived from 40 CFR 141.24(h)(11) (19942).
- 1) Analysis for Phase II SOCs must be conducted using the following methods. These methods are contained in USEPA Organic Methods ~~for the Determination of Organic Compounds in Drinking Water~~, incorporated by reference in Section 611.102.
 - 1) Method 504, "1,2-Dibromoethane (EDB) and 1,2-Dibromo-3-chloropropane (DBCP) in Water by Microextraction and Gas Chromatography." Method 504 can be used to measure 1,2-Dibromo-3-chloropropane (dibromochloropropane or DBCP) and 1,2-Dibromoethane (ethylene dibromide or EDB).
 - 2) Method 505, "Analysis of Organohalide Pesticides and Commercial Polychlorinated Biphenyl Products (Aroclors) in Water by Microextraction and Gas Chromatography." Method 505 can be used to measure alachlor, atrazine, chlordane, DDT, dieldrin, endrin, heptachlor, heptachlor epoxide, lindane, methoxychlor, and toxaphene. Method 505 can be used as a screen for PCBs.
 - 3) Method 507, "Determination of Nitrogen- and Phosphorus-Containing Pesticides in Ground Water by Gas Chromatography with a Nitrogen-Phosphorus Detector." Method 507 can be used to measure alachlor and atrazine.
 - 4) Method 508, "Determination of Chlorinated Pesticides in Water by Gas Chromatography with an Electron Capture Detector." Method 508 can be used to measure chlordane, DDT, dieldrin, endrin, heptachlor, heptachlor epoxide, lindane, methoxychlor, and toxaphene. Method 508 can be used as a screen for PCBs.
 - 5) Method 508A, "Screening for Polychlorinated Biphenyls by Perchlorination and Gas Chromatography." Method 508A is used to quantitate PCBs as decachlorobiphenyl if detected in Methods 505 or 508.
 - 6) Method 515.1, revision 5.0 (May, 1991), "Determination of Chlorinated Acids in Water by Gas Chromatography with an Electron Capture Detector." Method 515.1 can be used to measure 2,4-D, 2,4,5-TP (Silvex) and pentachlorophenol.
 - 7) Method 525.1, revision 3.0 (May, 1991), "Determination of Organic Compounds in Drinking Water by Liquid-Solid Extraction and Capillary Column Gas Chromatography/Mass

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Spectrometry." Method 525 can be used to measure alachlor, atrazine, chlordane, heptachlor, heptachlor epoxide, lindane, methoxychlor, and pentachlorophenol.

- 8) Method 531.1, "Measurement of N-Methyl Carbamoyloximes and N-Methyl Carbamates in Water by Direct Aqueous Injection HPLC with Post-Column Derivatization." Method 531.1 can be used to measure aldicarb, aldicarb sulfoxide, aldicarb sulfone, and carbofuran.

m) Analysis for PCBs must be conducted as follows:

- 1) Each supplier that monitors for PCBs shall analyze each sample using either USEPA Organic Methods, Method 505 or Method 508.
- 2) If PCBs are detected in any sample analyzed using USEPA Organic Methods, Methods 505 or 508, the supplier shall reanalyze the sample using Method 508A to quantitate the individual Aroclors (as decachlorobiphenyl).
- 3) Compliance with the PCB MCL must be determined based upon the quantitative results of analyses using USEPA Organic Methods, Method 508A.
- n) Use of existing data.
 - 1) The Agency shall allow the use of data collected after January 1, 1990 but prior to the effective date of this Section, pursuant to Agency sample request letters, if it determines that the data are generally consistent with the requirements of this Section.
 - 2) The Agency shall grant a SEP pursuant to Section 611.110 that allows a supplier to monitor annually beginning January 1, 1993 if it determines that the supplier did not detect any Phase I VOC or Phase II VOC using existing data allowed pursuant to subsection (n)(1).
- o) The Agency shall issue a SEP that increases the number of sampling points or the frequency of monitoring if it determines that this is necessary to detect variations within the PWS due to such factors as fluctuations in contaminant concentration due to seasonal use or changes in the water source.
BOARD NOTE: At 40 CFR 141.24(h)(15), USEPA uses the stated factors as non-limiting examples of circumstances that make additional monitoring necessary.
- p) This subsection corresponds with 40 CFR 141.24(h)(16), a USEPA provision that the Board has not adopted because it reserves enforcement authority to the state and would serve no useful function as part of the state's rules. This statement maintains structural consistency with USEPA rules.
- q) Each supplier shall monitor, within each compliance period, at the time designated by the Agency by SEP pursuant to Section 611.110.

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- r) "Detection" means greater than or equal to the following concentrations for each contaminant:

1) for PCBs (Aroclors):

Aroclor	Detection Limit (mg/L)
1016	0.00008
1221	0.02
1232	0.0005
1242	0.0003
1248	0.0001
1254	0.0001
1260	0.0002

2) for other Phase II SOCs:

Contaminant	Detection Limit (mg/L)
Alachlor	0.0002
Aldicarb	0.0005
Aldicarb sulfide	0.0005
Aldicarb sulfone	0.0008
Atrazine	0.0001
Carbofuran	0.0009
Chlordane	0.0002
Dibromochloropropane (DBCP)	0.0002
2,4-D	0.0001
Ethylene dibromide (EDB)	0.00001
Heptachlor	0.00004
Heptachlor epoxide	0.00002
Lindane	0.00002
Methoxychlor	0.0001
Polychlorinated biphenyls (PCBs) (as decachlorobiphenyl)	0.0001
Pentachlorophenol	0.00004
Toxaphene	0.001
2,4,5-TP (Silvex)	0.0002

BOARD NOTE: Derived from 40 CFR 141.24(h) (19912).

s) Laboratory Certification.

- 1) Analyses under this Section must only be conducted by laboratories that have received approval by USEPA or the Agency according to the following conditions.
- 2) To receive certification to conduct analyses for the Phase II SOCs the laboratory must:
 - A) Analyze performance evaluation samples provided by the Agency pursuant to 35 Ill. Adm. Code 183.125(c) that include these substances; and
 - B) Achieve quantitative results on the analyses performed under subsection (s)(2)(A) that ~~that~~ are within the acceptance limits set forth in subsection (s)(2)(C).

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C) Acceptance limits:

SOC	Acceptance Limits
Alachlor	± 45%
Aldicarb	2 standard deviations
Aldicarb sulfone	2 standard deviations
Aldicarb sulfide	2 standard deviations
Atrazine	± 45%
Carbofuran	± 45%
Chlordane	± 45%
Dibromochloropropane (DBCP)	± 40%
Ethylene dibromide (EDB)	± 40%
Heptachlor	± 45%
Heptachlor epoxide	± 45%
Lindane	± 45%
Methoxychlor	± 45%
PCBs (as Decachlorobiphenyl)	0-200%
Pentachlorophenol	± 50%
Toxaphene	± 45%
2,4,5-TP (Silvex)	± 50%
2,4-D	± 50%

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 611. Appendix A Mandatory Health Effects Information

- 1) Trichloroethylene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that trichloroethylene is a health concern at certain levels of exposure. This chemical is a common metal cleaning and dry cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set forth the enforceable drinking water standard for trichloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.
- 2) Carbon tetrachloride. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that carbon tetrachloride is a health concern at certain levels of exposure. This chemical was once a popular household cleaning fluid. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for carbon tetrachloride at 0.005 parts per million (ppm) to reduce

the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

3) 1,2-Dichloroethane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,2-dichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaning fluid for fats, oils, waxes and resins. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for 1,2-dichloroethane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

4) Vinyl chloride. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that vinyl chloride is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been associated with significantly increased risks of cancer among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for vinyl chloride at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

5) Benzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that benzene is a health concern at certain levels of exposure. This chemical is used as a solvent and degreaser of metals. It is also a major component of gasoline. Drinking water contamination generally results from leaking underground gasoline and petroleum tanks or improper waste disposal. This chemical has been associated with significantly increased risks of leukemia among certain industrial workers who were exposed to relatively large amounts of this chemical during their working careers. This chemical has also been shown to cause cancer in laboratory animals when the animals are exposed at high levels over their lifetimes. Chemicals that cause increased risk of cancer among exposed industrial workers and in laboratory

animals also may increase the risk of cancer in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for benzene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in humans and laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

6) 1,1-Dichloroethylene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,1-dichloroethylene is a health concern at certain levels of exposure. This chemical is used in industry and is found in drinking water as a result of the breakdown of related solvents. The solvents are used as cleaners and degreasers of metals and generally get into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for 1,1-dichloroethylene at 0.007 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

7) Para-dichlorobenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that para-dichlorobenzene is a health concern at certain levels of exposure. This chemical is a component of deodorizers, moth balls and pesticides. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause liver and kidney damage in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals which cause adverse effects in laboratory animals also may cause adverse health effects in humans who are exposed at lower levels over long periods of time. USEPA has set the enforceable drinking water standard for para-dichlorobenzene at 0.075 parts per million (ppm) to reduce the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

8) 1,1,1-Trichloroethane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,1,1-trichloroethane is a health concern at certain levels of exposure. This chemical is used as a cleaner and degreaser of metals. It generally gets into drinking water by improper waste disposal. This chemical has been shown to damage the liver, nervous system and circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during their working careers also suffered damage to the liver, nervous system and circulatory system. Chemicals which cause adverse effects among exposed industrial workers and in laboratory animals also may cause adverse health effects in humans who are exposed at lower

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levels over long periods of time. USPA has set the enforceable drinking water standard for 1,1-trichloroethane at 0.2 parts per million (ppm) to protect against the risk of these adverse health effects which have been observed in laboratory animals. Drinking water which meets this standard is associated with little to none of this risk and should be considered safe.

9) Fluoride. The U.S. Environmental Protection Agency requires that we send you this notice on the level of fluoride in your drinking water. The drinking water in your community has a fluoride concentration of _____ milligrams per liter (mg/L).

Federal regulations require that fluoride, which occurs naturally in your water supply, not exceed a concentration of 4.0 mg/L in drinking water. This is an enforceable standard called a Maximum Contaminant Level (MCL), and it has been established to protect the public health. Exposure to drinking water levels above 4.0 mg/L for many years may result in some cases of crippling skeletal fluorosis, which is a serious bone disorder.

Federal law also requires that we notify you when monitoring indicates that the fluoride in your drinking water exceeds 2.0 mg/L. This is intended to alert families about dental problems that might affect children under nine years of age. The fluoride concentration of your water exceeds this federal guideline.

Fluoride in children's drinking water at levels of approximately 1 mg/L reduces the number of dental cavities. However, some children exposed to levels of fluoride greater than about 2.0 mg/L may develop dental fluorosis. Dental fluorosis, in its moderate and severe forms, is a brown staining and/or pitting of the permanent teeth.

Because dental fluorosis occurs only when developing teeth (before they erupt from the gums) are exposed to elevated fluoride levels, households without children are not expected to be affected by this level of fluoride. Families with children under the age of nine are encouraged to seek other sources of drinking water for their children to avoid the possibility of staining and pitting.

Your water supplier can lower the concentration of fluoride in your water so that you will still receive the benefits of cavity prevention while the possibility of stained and pitted teeth is minimized. Removal of fluoride may increase your water costs. Treatment systems are also commercially available for home use. Information on such systems is available at the address given below. Low fluoride bottled drinking water that would meet all standards is also commercially available.

For further information, contact
at your water system.

BOARD NOTE: Derived from 40 CFR 141.32(e)(9) and 143.5 (19912).

10) Microbiological contaminants (for use when there is a violation of the treatment technique requirements for filtration and disinfection in Subpart B). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that the presence of microbiological contaminants are a

health concern at certain levels of exposure. If water is inadequately treated, microbiological contaminants in that water may cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA has set enforceable requirements for treating drinking water to reduce the risk of these adverse health effects. Treatment such as filtering and disinfecting the water removes or destroys microbiological contaminants. Drinking water which is treated to meet USEPA requirements is associated with little to none of this risk and should be considered safe.

Total coliforms. (To be used when there is a violation of Section 611.325(a) and not a violation of Section 611.325(b)). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that the presence of total coliforms is a possible health concern. Total coliforms are common in the environment and are generally not harmful themselves. The presence of these bacteria in drinking water, however, generally is a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice, and any associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA has set an enforceable drinking water standard for total coliforms to reduce the risk of these adverse health effects. Under this standard, no more than 5.0 percent of the samples collected during a month can contain these bacteria, except that systems collecting fewer than 40 samples/month that have one total coliform-positive sample per month are not violating the standard. Drinking water which meets this standard is usually not associated with a health risk from disease-causing bacteria and should be considered safe.

12) Fecal Coliforms/*E. coli*. (To be used when there is a violation of Section 611.325(b) or both Section 611.325(a) and (b)). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that the presence of fecal coliforms or *E. coli* is a serious health concern. Fecal coliforms and *E. coli* are generally not harmful themselves, but their presence in drinking water is serious because they usually are associated with sewage or animal wastes. The presence of these bacteria in drinking water is generally a result of a problem with water treatment or the pipes which distribute the water and indicates that the water may be contaminated with organisms that can cause disease. Disease symptoms may include diarrhea, cramps, nausea and possibly jaundice, and associated headaches and fatigue. These symptoms, however, are not just associated with disease-causing organisms in drinking water, but also may be caused by a number of factors other than your drinking water. USEPA has set an enforceable drinking water standard for fecal coliforms and *E. coli* to reduce the risk of these adverse health effects. Under this standard all drinking water samples must be free of these bacteria. Drinking water which meets this

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standard is associated with little or none of this risk and should be considered safe. State and local health authorities recommend that consumers take the following precautions: [to be inserted by the public water system, according to instruction from State or local authorities].

- 13) ~~This subsection corresponds with 40 CFR 141.32(e)(13), reserved by USEPA. This statement maintains structural consistency with USEPA rules-Lead. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that lead is a health concern at certain exposure levels. Materials that contain lead have frequently been used in the construction of water supply distribution systems, and plumbing systems in private homes and other buildings. The most commonly found materials include service lines, pipes, brass and bronze fixtures, and solder and fluxes. Lead in these materials can contaminate drinking water as a result of the corrosion that takes place when water comes into contact with those materials. Lead can cause a variety of adverse health effects in humans. At relatively low levels of exposure, these effects may include interference with red blood cell chemistry, delays in normal physical and mental development in babies and young children, slight deficits in the attention span, hearing, and learning abilities of children, and slight increases in the blood pressure of some adults. USEPA's national primary drinking water regulation requires all public water systems to optimize corrosion control to minimize lead contamination resulting from the corrosion of plumbing materials. Public water systems serving 50,000 people or fewer that have lead concentrations below 15 parts per billion (ppb) in more than 90% of tap water samples (the USEPA "action level") have optimized their corrosion control treatment. Any water system that exceeds the action level must also monitor their source water to determine whether treatment to remove lead in source water is needed. Any water system that continues to exceed the action level after installation of corrosion control and/or source water treatment must eventually replace all lead service lines contributing in excess of 15 ppb of lead to drinking water. Any water system that exceeds the action level must also undertake a public education program to inform consumers of ways they can reduce their exposure to potentially high levels of lead in drinking water.~~

- 14) ~~This subsection corresponds with 40 CFR 141.32(e)(14), reserved by USEPA. This statement maintains structural consistency with USEPA rules-Copper. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that copper is a health concern at certain exposure levels. Copper, a reddish-brown metal, is often used to plumb residential and commercial structures that are connected to water distribution systems. Copper contaminating drinking water as a corrosion by-product occurs as the result of the corrosion of copper pipes that remain in contact with water for a prolonged period of time. Copper is an essential nutrient, but at high doses it has been shown to cause stomach and intestinal distress, liver and kidney damage, and anemia. Persons with Wilson's disease may be at a higher risk of health effects due to copper than the general public. USEPA's national primary drinking water regulation requires all public water systems to install optimal corrosion control to minimize copper contamination resulting from the~~

corrosion of plumbing materials. Public water systems serving 50,000 people or fewer that have copper concentrations below 1.3 parts per million (ppm) in more than 90% of tap water samples (the USEPA "action level") are not required to install or improve their treatment. Any water system that exceeds the action level must also monitor their source water to determine whether treatment to remove copper in source water is needed.

- 15) Asbestos. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that asbestos fibers greater than 10 micrometers in length are a health concern at certain levels of exposure. Asbestos is a naturally occurring mineral. Most asbestos fibers in drinking water are less than 10 micrometers in length and occur in drinking water from natural sources and from corroded asbestos-cement pipes in the distribution system. The major uses of asbestos were in the production of cements, floor tiles, paper products, paint, and caulking; in transportation-related applications; and in the production of textiles and plastics. Asbestos was once a popular insulating and fire retardant material. Inhalation studies have shown that various forms of asbestos have produced lung tumors in laboratory animals. The available information on the risk of developing gastrointestinal tract cancer associated with the ingestion of asbestos from drinking water is limited. Ingestion of intermediate-range chrysotile asbestos fibers greater than 10 micrometers in length is associated with causing benign tumors in male rats. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for asbestos at 7 million long fibers per liter to reduce the potential risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water which meets the USEPA standard is associated with little to none of this risk and should be considered safe with respect to asbestos.

- 16) ~~This subsection corresponds with 40 CFR 141.32(e)(16), reserved by USEPA. This statement maintains structural consistency with USEPA rules-Barium. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that barium is a health concern at certain levels of exposure. This inorganic chemical occurs naturally in some aquifers that serve as sources of ground-water. It is also used in oil and gas drilling muds, automotive paints, bricks, tiles, and jet fuels. It generally gets into drinking water after dissolving from naturally occurring minerals in the ground. This chemical may damage the heart and vascular system, and is associated with high blood pressure in laboratory animals such as rats exposed to high levels during their lifetimes. In humans, USEPA believes that effects from barium on blood pressure should not occur below 2 parts per million (ppm) in drinking water. USEPA has set the drinking water standard for barium at 2 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to barium.~~

- 17) Cadmium. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that cadmium is a health concern at certain levels of exposure. Food

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and the smoking of tobacco are common sources of general exposure. This inorganic metal is a contaminant in the metals used to galvanize pipe. It generally gets into water by corrosion of galvanized pipes or by improper waste disposal. This chemical has been shown to damage the kidney in animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the kidney. USEPA has set the drinking water standard for cadmium at 0.005 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to cadmium.

18) Chromium. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that chromium is a health concern at certain levels of exposure. This inorganic metal occurs naturally in the ground and is often used in the electroplating of metals. It generally gets into water from runoff from old mining operations and improper waste disposal from plating operations. This chemical has been shown to damage the kidney, nervous system, and the circulatory system of laboratory animals such as rats and mice when the animals are exposed at high levels. Some humans who were exposed to high levels of this chemical suffered liver and kidney damage, dermatitis and respiratory problems. USEPA has set the drinking water standard for chromium at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to chromium.

19) Mercury. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that mercury is a health concern at certain levels of exposure. This inorganic metal is used in electrical equipment and some water pumps. It usually gets into water as a result of improper waste disposal. This chemical has been shown to damage the kidney of laboratory animals such as rats when the animals are exposed at high levels over their lifetimes. USEPA has set the drinking water standard for mercury at 0.002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to mercury.

20) Nitrate. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that nitrate poses an acute health concern at certain levels of exposure. Nitrate is used in fertilizer and is found in sewage and wastes from human and/or farm animals and generally gets into drinking water from those activities. Excessive levels of nitrate in drinking water have caused serious illness and sometimes death in infants under six months of age. The serious illness in infants is caused because nitrate is converted to nitrite in the body. Nitrite interferes with the oxygen carrying capacity of the child's blood. This is an acute disease in that symptoms can develop rapidly in infants. In most cases, health deteriorates

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over a period of days. Symptoms include shortness of breath and blueness of the skin. Clearly, expert medical advice should be sought immediately if these symptoms occur. The purpose of this notice is to encourage parents and other responsible parties to provide infants with an alternate source of drinking water. Local and State health authorities are the best source for information concerning alternate sources of drinking water for infants. USEPA has set the drinking water standard at 10 parts per million (ppm) for nitrate to protect against the risk of these adverse effects. USEPA has also set a drinking water standard for nitrite at 1 ppm. To allow for the fact that the toxicity of nitrate and nitrite are additive, USEPA has also established a standard for the sum of nitrate and nitrite at 10 ppm. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to nitrate.

21) Nitrite. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that nitrite poses an acute health concern at certain levels of exposure. This inorganic chemical is used in fertilizers and is found in sewage and wastes from humans and/or farm animals and generally gets into drinking water as a result of those activities. While excessive levels of nitrite in drinking water have not been observed, other sources of nitrite have caused serious illness and sometimes death in infants under six months of age. The serious illness in infants is caused because nitrite interferes with the oxygen carrying capacity of the child's blood. This is an acute disease in that symptoms can develop rapidly. However, in most cases, health deteriorates over a period of days. Symptoms include shortness of breath and blueness of the skin. Clearly, expert medical advice should be sought immediately if these symptoms occur. The purpose of this notice is to encourage parents and other responsible parties to provide infants with an alternate source of drinking water. Local and State health authorities are the best source for information concerning alternate sources of drinking water for infants. USEPA has set the drinking water standard at 1 part per million (ppm) for nitrite to protect against the risk of these adverse effects. USEPA has also set a drinking water standard for nitrate (converted to nitrite in humans) at 10 ppm and for the sum of nitrate and nitrite at 10 ppm. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to nitrite.

22) Selenium. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that selenium is a health concern at certain high levels of exposure. Selenium is also an essential nutrient at low levels of exposure. This inorganic chemical is found naturally in food and soils and is used in electronics, photocopy operations, the manufacture of glass, chemicals, drugs, and as a fungicide and a feed additive. In humans, exposure to high levels of selenium over a long period of time has resulted in a number of adverse health effects, including a loss of feeling and control in the arms and legs. USEPA has set the drinking water standard for selenium at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is

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considered safe with respect to selenium.

- 23) Acrylamide. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that acrylamide is a health concern at certain levels of exposure. Polymers made from acrylamide are sometimes used to treat water supplies to remove particulate contaminants. Acrylamide has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. Sufficiently large doses of acrylamide are known to cause neurological injury. USEPA has set the drinking water standard for acrylamide using a treatment technique to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. This treatment technique limits the amount of acrylamide in the polymer and the amount of the polymer which may be added to drinking water to remove particulates. Drinking water systems which comply with this treatment technique have little to no risk and are considered safe with respect to acrylamide.

- 24) Alachlor. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that alachlor is a health concern at certain levels of exposure. This organic chemical is a widely used pesticide. When soil and climatic conditions are favorable, alachlor may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for alachlor at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to alachlor.

- 25) ~~This subsection corresponds with 40 CFR 141.32(e)(25), reserved by USEPA. This statement maintains structural consistency with USEPA rules.~~ Aldicarb. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that aldicarb is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. USEPA has set the drinking water standard for aldicarb at 0.003 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb.

- 26) ~~This subsection corresponds with 40 CFR 141.32(e)(26), reserved by USEPA. This statement maintains structural consistency with USEPA~~

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~~rules.~~ Aldicarb sulfide. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that aldicarb sulfide is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Aldicarb sulfide in groundwater is primarily a breakdown product of aldicarb. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb sulfide may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. USEPA has set the drinking water standard for aldicarb sulfide at 0.004 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb sulfide.

- 27) ~~This subsection corresponds with 40 CFR 141.32(e)(27), reserved by USEPA. This statement maintains structural consistency with USEPA rules.~~ Aldicarb sulfone. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that aldicarb sulfone is a health concern at certain levels of exposure. Aldicarb is a widely used pesticide. Aldicarb sulfone in groundwater is primarily a breakdown product of aldicarb. Under certain soil and climatic conditions (e.g., sandy soil and high rainfall), aldicarb sulfone may leach into groundwater after normal agricultural applications to crops such as potatoes or peanuts or may enter drinking water supplies as a result of surface runoff. This chemical has been shown to damage the nervous system in laboratory animals such as rats and dogs exposed to high levels. USEPA has set the drinking water standard for aldicarb sulfone at 0.004 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to aldicarb sulfone.

- 28) Atrazine. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that atrazine is a health concern at certain levels of exposure. This organic chemical is a herbicide. When soil and climatic conditions are favorable, atrazine may get into drinking water by runoff into surface water or by leaching into ground-water. This chemical has been shown to affect offspring of rats and the heart of dogs. USEPA has set the drinking water standard for atrazine at 0.003 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to atrazine.

- 29) Carbofuran. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that carbofuran is a health concern at certain levels of exposure. This organic chemical is a pesticide. When soil and climatic conditions are favorable, carbofuran may get into drinking water by runoff into surface water or by leaching into ground-water. This chemical has been shown to damage the nervous and reproductive systems of laboratory animals such as rats and mice exposed at high levels over their lifetimes. Some humans who were

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exposed to relatively large amounts of this chemical during their working careers also suffered damage to the nervous system. Effects on the nervous system are generally rapidly reversible. USEPA has set the drinking water standard for carbafuran at 0.04 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to carbafuran.

30) Chlordane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that chlordane is a health concern at certain levels of exposure. This organic chemical is a pesticide used to control termites. Chlordane is not very mobile in soils. It usually gets into drinking water after application near water supply intakes or wells. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for chlordane at 0.002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to chlordane.

31) Dibromochloropropane (DBCP). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that DBCP is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, DBCP may get into drinking water by runoff into surface water or by leaching into ground-water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for DBCP at 0.0002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to DBCP.

32) o-Dichlorobenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that o-dichlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a solvent in the production of pesticides and dyes. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and the blood cells of laboratory animals such as rats and mice exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the liver, nervous system, and circulatory system. USEPA has set the drinking water standard for o-dichlorobenzene at 0.6 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of

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this risk and is considered safe with respect to o-dichlorobenzene.

33) cis-1,2-Dichloroethylene. The United States Environmental Protection Agency (USEPA) establishes drinking water standards and has determined that cis-1,2-dichloroethylene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and intermediate in chemical production. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and circulatory system of laboratory animals such as rats and mice when exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA has set the drinking water standard for cis-1,2-dichloroethylene at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to cis-1,2-dichloroethylene.

34) trans-1,2-Dichloroethylene. The United States Environmental Protection Agency (USEPA) establishes drinking water standards and has determined that trans-1,2-dichloroethylene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and intermediate in chemical production. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, nervous system, and the circulatory system of laboratory animals such as rats and mice when exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA has set the drinking water standard for trans-1,2-dichloroethylene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to trans-1,2-dichloroethylene.

35) 1,2-Dichloropropane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 1,2-dichloropropane is a health concern at certain levels of exposure. This organic chemical is used as a solvent and pesticide. When soil and climatic conditions are favorable, 1,2-dichloropropane may get into drinking water by runoff into surface water or by leaching into ground-water. It may also get into drinking water through improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for 1,2-dichloropropane at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to 1,2-dichloropropane.

36) 2,4-D. This contaminant is subject to a "additional State requirement". The supplier shall give the following notice if the

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level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.

The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 2,4-D is a health concern at certain levels of exposure. This organic chemical is used as a herbicide and to control algae in reservoirs. When soil and climatic conditions are favorable, 2,4-D may get into drinking water by runoff into surface water or by leaching into ground water. This chemical has been shown to damage the liver and kidney of laboratory animals such as rats exposed at high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA has set the drinking water standard for 2,4-D at 0.07 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to 2,4-D.

37)

Epichlorohydrin. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that epichlorohydrin is a health concern at certain levels of exposure. Polymers made from epichlorohydrin are sometimes used in the treatment of water supplies as a flocculent to remove particulates. Epichlorohydrin generally gets into drinking water by improper use of these polymers. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for epichlorohydrin using a treatment technique to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. This treatment technique limits the amount of epichlorohydrin in the polymer and the amount of the polymer which may be added to drinking water as a flocculent to remove particulates. Drinking water systems which comply with this treatment technique have little to no risk and are considered safe with respect to epichlorohydrin.

38)

Ethylbenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that ethylbenzene is a health concern at certain levels of exposure. This organic chemical is a major component of gasoline. It generally gets into water by improper waste disposal or leaking gasoline tanks. This chemical has been shown to damage the kidney, liver, and nervous system of laboratory animals such as rats exposed to high levels during their lifetimes. USEPA has set the drinking water standard for ethylbenzene at 0.7 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to ethylbenzene.

39)

Ethylene dibromide (EDB). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that EDB is a health concern at certain levels of

exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, EDB may get into drinking water by runoff into surface water or by leaching into ground-water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for EDB at 0.0005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to EDB.

40)

Heptachlor. This contaminant is subject to a "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.

The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that heptachlor is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, heptachlor may get into drinking water by runoff into surface water or by leaching into ground-water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standards for heptachlor at 0.0004 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to heptachlor.

41)

Heptachlor epoxide. This contaminant is subject to a "additional State requirement". The supplier shall give the following notice if the level exceeds the Section 611.311 MCL. If the level exceeds the Section 611.310 MCL, but not that of Section 611.311, the supplier shall give a general notice under Section 611.854.

The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that heptachlor epoxide is a health concern at certain levels of exposure. This organic chemical was once a popular pesticide. When soil and climatic conditions are favorable, heptachlor epoxide may get into drinking water by runoff into surface water or by leaching into ground-water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standards for heptachlor epoxide at 0.0002 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated

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with little to none of this risk and is considered safe with respect to heptachlor epoxide.

- 42) Lindane. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that lindane is a health concern at certain levels of exposure. This organic chemical is used as a pesticide. When soil and climatic conditions are favorable, lindane may get into drinking water by runoff into surface water or by leaching into ground-water. This chemical has been shown to damage the liver, kidney, nervous system, and immune system of laboratory animals such as rats, mice and dogs exposed at high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system and circulatory system. USEPA has established the drinking water standard for lindane at 0.0002 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to lindane.

- 43) Methoxychlor. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that methoxychlor is a health concern at certain levels of exposure. This organic chemical is used as a pesticide. When soil and climatic conditions are favorable, methoxychlor may get into drinking water by runoff into surface water or by leaching into ground-water. This chemical has been shown to damage the liver, kidney, nervous system, and reproductive system of laboratory animals such as rats exposed at high levels during their lifetimes. It has also been shown to produce growth retardation in rats. USEPA has set the drinking water standard for methoxychlor at 0.04 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to methoxychlor.

- 44) Monochlorobenzene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that monochlorobenzene is a health concern at certain levels of exposure. This organic chemical is used as a solvent. It generally gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and nervous system of laboratory animals such as rats and mice exposed to high levels during their lifetimes. USEPA has set the drinking water standard for monochlorobenzene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to monochlorobenzene.

- 45) Polychlorinated biphenyls (PCBs). The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that polychlorinated biphenyls (PCBs) are a health concern at certain levels of exposure. These organic chemicals were once widely used in electrical transformers and other industrial equipment. They generally get into drinking water by improper waste disposal or leaking electrical industrial equipment. This chemical has been shown to cause cancer in

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laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for PCBs at 0.0005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to PCBs.

- 46) ~~USEPA. This statement maintains structural consistency with USEPA rules. Pentachlorophenol. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that pentachlorophenol is a health concern at certain levels of exposure. This organic chemical is widely used as a wood preservative, herbicide, disinfectant, and defoliant. It generally gets into drinking water by runoff into surface water or leaching into groundwater. This chemical has been shown to produce adverse reproductive effects and to damage the liver and kidneys of laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the liver and kidneys. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for pentachlorophenol at 0.001 parts per million (ppm) to reduce the risk of adverse health effects. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to pentachlorophenol.~~

- 47) Styrene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that styrene is a health concern at certain levels of exposure. This organic chemical is commonly used to make plastics and is sometimes a component of resins used for drinking water treatment. Styrene may get into drinking water from improper waste disposal. This chemical has been shown to damage the liver and nervous system in laboratory animals when exposed at high levels during their lifetimes. USEPA has set the drinking water standard for styrene at 0.1 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to styrene.

- 48) Tetrachloroethylene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that tetrachloroethylene is a health concern at certain levels of exposure. This organic chemical has been a popular solvent, particularly for dry cleaning. It generally gets into drinking water by improper waste disposal. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk

of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for tetrachloroethylene at 0.005 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to tetrachloroethylene.

49) Toluene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that toluene is a health concern at certain levels of exposure. This organic chemical is used as a solvent and in the manufacture of gasoline for airplanes. It generally gets into water by improper waste disposal or leaking underground storage tanks. This chemical has been shown to damage the kidney, nervous system, and circulatory system of laboratory animals such as rats and mice exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the liver, kidney and nervous system. USEPA has set the drinking water standard for toluene at 1 part per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to toluene.

50) Toxaphene. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that toxaphene is a health concern at certain levels of exposure. This organic chemical was once a pesticide widely used on cotton, corn, soybeans, pineapples and other crops. When soil and climatic conditions are favorable, toxaphene may get into drinking water by runoff into surface water or by leaching into ground-water. This chemical has been shown to cause cancer in laboratory animals such as rats and mice when the animals are exposed at high levels over their lifetimes. Chemicals that cause cancer in laboratory animals also may increase the risk of cancer in humans who are exposed over long periods of time. USEPA has set the drinking water standard for toxaphene at 0.003 parts per million (ppm) to reduce the risk of cancer or other adverse health effects which have been observed in laboratory animals. Drinking water that meets this standard is associated with little to none of this risk and is considered safe with respect to toxaphene.

51) 2,4,5-TP. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that 2,4,5-TP is a health concern at certain levels of exposure. This organic chemical is used as a herbicide. When soil and climatic conditions are favorable, 2,4,5-TP may get into drinking water by runoff into surface water or by leaching into groundwater. This chemical has been shown to damage the liver and kidney of laboratory animals such as rats and dogs exposed to high levels during their lifetimes. Some industrial workers who were exposed to relatively large amounts of this chemical during working careers also suffered damage to the nervous system. USEPA has set the drinking water standard for 2,4,5-TP at 0.05 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to

2,4,5-TP.

52)

Xylenes. The United States Environmental Protection Agency (USEPA) sets drinking water standards and has determined that xylene is a health concern at certain levels of exposure. This organic chemical is used in the manufacture of gasoline for airplanes and as a solvent for pesticides, and as a cleaner and degreaser of metals. It usually gets into water by improper waste disposal. This chemical has been shown to damage the liver, kidney and nervous system of laboratory animals such as rats and dogs exposed to high levels during their lifetimes. Some humans who were exposed to relatively large amounts of this chemical also suffered damage to the nervous system. USEPA has set the drinking water standard for xylene at 10 parts per million (ppm) to protect against the risk of these adverse health effects. Drinking water that meets the USEPA standard is associated with little to none of this risk and is considered safe with respect to xylene.

BOARD NOTE: Derived from 40 CFR 141.32(e) (1991).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 611. Appendix E Mandatory Lead Public Education Information

1) INTRODUCTION

The United States Environmental Protection Agency (EPA) and insert name of water supplier are concerned about lead in your drinking water. Although most homes have very low levels of lead in their drinking water, some homes in the community have lead levels above the EPA action level of 15 parts per billion (ppb), or 0.015 milligrams of lead per liter of water (mg/L). Under Federal law we are required to have a program in place to minimize lead in your drinking water by insert date when corrosion control will be completed for your system. This program includes corrosion control treatment, source water treatment, and public education. We are also required to replace each lead service line that we control if the line contributes lead concentrations of more than 15 ppb after we have completed the comprehensive treatment program. If you have any questions about how we are carrying out the requirements of the lead regulation please give us a call at insert water system's phone number. This brochure explains the simple steps you can take to protect you and your family by reducing your exposure to lead in drinking water.

2) HEALTH EFFECTS OF LEAD

Lead is a common metal found throughout the environment in lead-based paint, air, soil, household dust, food, certain types of pottery porcelain and pewter, and water. Lead can pose a significant risk to your health if too much of it enters your body. Lead builds up in the body over many years and can cause damage to the brain, red blood cells and kidneys. The greatest risk is to young children and pregnant women. Amounts of lead that won't hurt adults can slow down normal mental and physical development of growing bodies. In addition, a child at play often comes into contact with sources of lead contamination -- like dirt and dust -- that rarely affect an adult. It is important to wash children's hands and toys often, and to try to make sure they only put food in their mouths.

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31. LEAD IN DRINKING WATER

- A) Lead in drinking water, although rarely the sole cause of lead poisoning, can significantly increase a person's total lead exposure, particularly the exposure of infants who drink baby formulas and concentrated juices that are mixed with water. The EPA estimates that drinking water can make up 20 percent or more of a person's total exposure to lead.
- B) Lead is unusual among drinking water contaminants in that it seldom occurs naturally in water supplies like rivers and lakes. Lead enters drinking water primarily as a result of the corrosion, or wearing away, of materials containing lead in the water distribution system and household plumbing. These materials include lead-based solder used to join copper pipe, brass and chrome plated brass faucets, and in some cases, pipes made of lead that connect your house to the water main (service lines). In 1986, Congress banned the use of lead solder containing greater than 0.2% lead, and restricted the lead content of faucets, pipes and other plumbing materials to 8.0%.
- C) When water stands in lead pipes or plumbing systems containing lead for several hours or more, the lead may dissolve into your drinking water. This means the first water drawn from the tap in the morning, or later in the afternoon after returning from work or school, can contain fairly high levels of lead.

41. STEPS YOU CAN TAKE IN THE HOME TO REDUCE EXPOSURE TO LEAD IN DRINKING WATER

- A) Despite our best efforts mentioned earlier to control water corrosivity and remove lead from the water supply, lead levels in some homes or buildings can be high. To find out whether you need to take action in your own home, have your drinking water tested to determine if it contains excessive concentrations of lead. Testing the water is essential because you cannot see, taste, or smell lead in drinking water. Some local laboratories that can provide this service are listed at the end of this booklet. For more information on having your water tested, please call [insert phone number of water system].
- B) If a water test indicates that the drinking water drawn from a tap in your home contains lead above 15 ppb, then you should take the following precautions:
- i) Let the water run from the tap before using it for drinking or cooking any time the water in a faucet has gone unused for more than six hours. The longer water resides in your home's plumbing the more lead it may contain. Flushing the tap means running the cold water faucet until the water gets noticeably colder, usually about 15-30 seconds. If your house has a lead service line to the water main, you may have to flush the water for a longer time, perhaps one minute, before drinking. Although toilet flushing or showering flushes water through a portion of your home's plumbing system, you still need to flush the water in each faucet before using it for drinking or cooking. Flushing tap water is a simple and inexpensive measure you can take

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to protect your family's health. It usually uses less than one or two gallons of water and costs less than [insert a cost estimate based on flushing two times a day for 30 days] per month. To conserve water, fill a couple of bottles for drinking water after flushing the tap, and whenever possible use the first flush water to wash the dishes or water the plants. If you live in a high-rise building, letting the water flow before using it may not work to lessen your risk from lead. The plumbing systems have more, and sometimes larger pipes than smaller buildings. Ask your landlord for help in locating the source of the lead and for advice on reducing the lead level.

- ii) Try not to cook with, or drink water from the hot water tap. Hot water can dissolve more lead more quickly than cold water. If you need hot water, draw water from the cold tap and heat it on the stove.
- iii) Remove loose lead solder and debris from the plumbing materials installed in newly constructed homes, or homes in which the plumbing has recently been replaced, by removing the faucet strainers from all taps and running the water from 3 to 5 minutes. Thereafter, periodically remove the strainers and flush out any debris that has accumulated over time.
- iv) If your copper pipes are joined with lead solder that has been installed illegally since it was banned in 1986, notify the plumber who did the work and request that he or she replace the lead solder with lead-free solder. Lead solder looks dull gray, and when scratched with a key looks shiny. In addition, notify your State [insert name of department responsible for enforcing the Safe Drinking Water Act in your State] about the violation.

- v) Determine whether or not the service line that connects your home or apartment to the water main is made of lead. The best way to determine if your service line is made of lead is by either hiring a licensed plumber to inspect the line or by contacting the plumbing contractor who installed the line. You can identify the plumbing contractor by checking the city's record of building permits which should be maintained in the files of the [insert name of department that issues building permits]. A licensed plumber can at the same time check to see if your home's plumbing contains lead solder, lead pipes, or pipe fittings that contain lead. The public water system that delivers water to your home should also maintain records of the materials located in the distribution system. If the service line that connects your dwelling to the water main contributes more than 15 ppb to drinking water, after our comprehensive treatment program is in place, we are required to replace the line. If the line is only partially controlled by the [insert name of the city, county, or water system that controls the line], we are required to provide you with information on how to replace your portion of the service line, and offer to replace that portion of the line at your expense and take a follow-up tap water sample within 14 days of the

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Replacement. Acceptable replacement alternatives include copper, steel, iron, and plastic pipes.

vi)

Have an electrician check your wiring. If grounding wires from the electrical system are attached to your pipes, corrosion may be greater. Check with a licensed electrician or your local electrical code to determine if your wiring can be grounded elsewhere. DO NOT attempt to change the wiring yourself because improper grounding can cause electrical shock and fire hazards.

C)

The steps described above will reduce the lead concentrations in your drinking water. However, if a water test indicates that the drinking water coming from your tap contains lead concentrations in excess of 15 ppb after flushing, or after we have completed our actions to minimize lead levels, then you may want to take the following additional measures:

i)

Purchase or lease a home treatment device. Home treatment devices are limited in that each unit treats only the water that flows from the faucet to which it is connected, and all of the devices require periodic maintenance and replacement. Devices such as reverse osmosis systems or distillers can effectively remove lead from your drinking water. Some activated carbon filters may reduce lead levels at the tap, however all lead reduction claims should be investigated. Be sure to check the actual performance of a specific home treatment device before and after installing the unit.

ii)

Purchase bottled water for drinking and cooking.

D)

You can consult a variety of sources for additional information. Your family doctor or pediatrician can perform a blood test for lead and provide you with information about the health effects of lead. State and local government agencies that can be contacted include:

i)

[insert the name of city or county department of public utilities] at [insert phone number] can provide you with information about your community's water supply, and a list of local laboratories that have been certified by EPA for testing water quality.

ii)

[insert the name of city or county department that issues building permits] at [insert phone number] can provide you with information about building permit records that should contain the names of plumbing contractors that plumbed your home; and

iii)

[insert the name of the State Department of Public Health] at [insert phone number] or the [insert the name of the city or county health department] at [insert phone number] can provide you with information about the health effects of lead and how you can have your child's blood tested.

E)

The following is a list of some State-approved laboratories in your area that you can call to have your water tested for lead. [insert names and phone numbers of at least two laboratories].

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BOARD NOTE: Derived from 40 CFR 141.85(a) (1992).

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 611.Table D Federal Effective-Dates Number of Lead and Copper Monitoring Sites

System Size	Number of Sites	Number of Sites	(Reduced Monitoring)
(Persons Served)	(Standard Monitoring)		
More than 100,000	100		50
10,001-100,000	60		30
3,301 to 10,000	40		20
501 to 3,300	20		10
101 to 500	10		5
100 or fewer	5		5

BOARD NOTE: Derived from 40 CFR 141.86(c) (1992).

(Source: Former Section 611.Table D renumbered to Section 611.Table Z and new Section 611.Table D added at 17 Ill. Reg. _____, effective _____)

Section 611.Table E Lead and Copper Monitoring Start Dates

System Size First Six-month Monitoring Period Begins

(Persons served)	Upon effective date	Upon effective date
more than 50,000		July 1, 1993
3,301 to 50,000		
3,300 or fewer		

1 USEPA sets forth a date of January 1, 1992.

2 USEPA sets forth a date of July 1, 1992.

BOARD NOTE: Derived from 40 CFR 141.86(d)(1) (1992).

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 611.Table F Number of Water Quality Parameter Sampling Sites

System Size	Number of Sites	(Reduced Monitoring)
(Persons Served)	(Standard Monitoring)	
more than 100,000	25	10
10,001 to 100,000	10	7
3,301 to 10,000	3	3
501 to 3,300	2	2
101 to 500	1	1
100 or fewer	1	1

BOARD NOTE: Derived from 40 CFR 141.87(a)(2) and (e) (1992).

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 611.Table G Summary of Monitoring Requirements for Water Quality

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Monitoring Period	Parameters ¹	Location	Frequency
Initial Monitoring	pH, alkalinity, orthophosphate, or silica ³ , calcium, conductivity, temperature.	Taps and at entry point(s) to distribution system	Every 6 months
After Installation of Corrosion Control	pH, alkalinity, orthophosphate or silica ³ , calcium ⁴	Taps	Every 6 months
After Installation of Corrosion Control	pH, alkalinity, dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual ⁵	Entry point(s) to distribution system	Biweekly
After State Specifies Parameter Values for Optimal Corrosion Control	pH, alkalinity, orthophosphate or silica ³ , calcium ⁴	Taps	Every 6 months
After State Specifies Parameter Values for Optimal Corrosion Control	pH, alkalinity, dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual ⁵	Entry point(s) to distribution system	Biweekly
Reduced Monitoring	pH, alkalinity, orthophosphate or silica ³ , calcium ⁴	Taps	Every 6 months at a reduced number of sites
Reduced Monitoring	pH, alkalinity, dosage rate and concentration (if alkalinity adjusted as part of corrosion control), inhibitor dosage rate and inhibitor residual ⁵	Entry point(s) to distribution system	Biweekly

Table G is for illustrative purposes; consult the text of Section 611.357 for precise regulatory requirements.

Small and medium-size systems have to monitor for water quality parameters

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only during monitoring periods in which the system exceeds the lead or copper action level.
³ Orthophosphate must be measured only when an inhibitor containing a phosphate compound is used. Silica must be measured only when an inhibitor containing silicate compound is used.
⁴ Calcium must be measured only when calcium carbonate stabilization is used as part of corrosion control.
⁵ Inhibitor dosage rates and inhibitor residual concentrations (orthophosphate or silica) must be measured only when an inhibitor is used.
BOARD NOTE: Derived from 40 CFR 141.87 (1992).
(Source: Added at 17 Ill. Reg. _____, effective _____)
Section 611. Table B2 Federal Effective Dates
The following are the effective dates of the federal MCLs:
Fluoride (40 CFR 141.60(b)(1)) (corresponding with Section 611.301(b)) October 2, 1987
Phase I VOCs (40 CFR 141.60(a)(1)) (corresponding with Section 611.311(a)) (benzene, carbon tetrachloride, p-dichlorobenzene, 1,2-dichloroethane, 1,1-dichloroethylene, 1,1,1-trichloroethane, trichloroethylene, and vinyl chloride) July 9, 1989
Lead and Copper (40 CFR, subpart I) (corresponding with Subpart G) (lead and copper monitoring, reporting, and recordkeeping requirements of 40 CFR 141.86 through 141.91) July 7, 1991
Phase II IOCs (40 CFR 141.60(b)(2)) (corresponding with Section 611.301(b)) (asbestos, barium —cadmium, chromium, mercury, nitrate, nitrite, and selenium) July 30, 1992
Phase II VOCs (40 CFR 141.60(a)(2)) (corresponding with Section 611.311(a)) (o-dichlorobenzene, cis-1,2-dichloroethylene, trans-1,2-dichloroethylene, 1,2-dichloropropane, ethylbenzene, monochlorobenzene, styrene, tetrachloroethylene, toluene, and xylenes (total)) July 30, 1992
Phase II SOCs (40 CFR 141.60(a)(2)) (corresponding with Section 611.311(c)) (alachlor, atrazine, carbofuran, chlordane, dibromochloropropane, ethylene dibromide, heptachlor, heptachlor epoxide, lindane, methoxychlor, polychlorinated biphenyls, toxaphene, 2,4-D, and 2,4,5-TP (Silvex)) July 30, 1992
Lead and Copper (40 CFR, subpart I) (corresponding with Subpart G) (lead and copper corrosion control, water treatment, public education, and lead service line replacement requirements of 40

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CFR 141.81 through 141.85)

Phase IIB IOC (40 CFR 141.60(b)(2))
(corresponding with Section 611.301(b))
(barium)

January 1, 1993

Phase IIB SOCs (40 CFR 141.60(a)(2))
(corresponding with Section 611.311(c))
(aldicarb, aldicarb sulfone, aldicarb sulfoxide, and pentachloro-
phenol; USEPA stayed the effective date as to the MCLs for
aldicarb, aldicarb sulfone, and aldicarb sulfoxide, but the
monitoring requirements became effective January 1, 1993)

January 1, 1993

(Source: Renumbered from Section 611. Table D and amended at 17 Ill. Reg. _____
_____, effective _____)

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- 1) Heading of the Part: SAMPLING AND MONITORING
- 2) Code Citation: 35 Ill. Adm. Code 605
- 3) Section Numbers: Proposed Action:
605.101 Repeal
605.102 Repeal
- 4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 111½, para. 1017, 1017.5 and 1027 [415 ILCS 5/17, 5/17.5 and 5/27].
- 5) A Complete Description of the Subjects and Issues Involved:

A more detailed description is contained in the Board's Opinion of February 4, 1993 in R92-3, which Opinion is available from the address below. Sections 7.2 and 17.5 of the Environmental Protection Act (Ill. Rev. Stat. 1991, ch. 111½, par. 1007.2 and 1017.5 [415 ILCS 5/7.2 and 5/17.5]) provide that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This rulemaking updates the Board's drinking water rules to correspond with the effect of earlier amendments adopted by USEPA in the time-frames of earlier Board rulemakings, which appeared in the Federal Register during the period 1987 through 1990. It corrects an earlier error.

In docket R88-26, which appeared at 14 Ill. Reg. 16642, effective September 20, 1990, the Board amended this Part to repeal several Sections that were inconsistent with the new federal regulations. We added "sunset" provisions to Sections 605.101 and 605.102, which pertain to coliform testing, that caused their effectiveness to expire as to any supplier that was subject to the filtration and disinfection requirements of 35 Ill. Adm. Code 611-Subpart B. However, the Board should have rendered them inapplicable to any supplier to which the microbiological requirements of 35 Ill. Adm. Code 611-Subpart L applied.

The Board proposes correcting the error made in R88-26 at the suggestion of the Illinois Environmental Protection Agency, Division of Public Water Supplies. However, instead of correcting the "sunset" reference to refer to 35 Ill. Adm. Code 611-Subpart L, we repeal these two Sections. To the best of the Board's understanding, as represented by IEPA, there are no longer any suppliers in Illinois to which the microbiological requirements of 35 Ill. Adm. Code 611-Subpart L do not apply. This renders these two Sections a "dead letter" that the Board is repealing to avoid confusion.

- 6) Will these proposed amendments replace emergency amendments currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does these proposed amendments contain incorporations by reference? No.
- 9) Are there any other amendments pending on this Part? No.

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10) Statement of Statewide Policy Objectives:

This rulemaking is mandated by Section 17.5 of the Environmental Protection Act. The statewide policy objectives are set forth in Section 11 of that Act. This rulemaking would normally impose a mandate on units of local government to the extent they supply drinking water to at least 25 of the same persons over 6 months per year. However, because this rulemaking is the repeal of rules that no longer apply to any supplier in Illinois, it imposes no new mandate.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

The Board will accept written public comment on this proposal for a period of 45 days after the date of this publication. Comments should reference Docket R92-3 and be addressed to:

Ms. Dorothy M. Gunn, Clerk
Illinois Pollution Control Board
State of Illinois Center, Suite 11-500
100 W. Randolph St.
Chicago, IL 60601

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Small Business Office of the Department of Commerce and Community Affairs: February 8, 1993

B) Types of small businesses affected:

This rulemaking will affect only those small businesses that supply drinking water to at least 25 of the same persons over 6 months per year. However, because this rulemaking is the repeal of rules that no longer apply to any supplier in Illinois, it imposes no new requirements.

C) Reporting, bookkeeping or other procedures required for compliance:

The existing drinking water rules impose significant reporting, bookkeeping, and other procedures on small businesses that supply drinking water to at least 25 of the same persons over 6 months per year. However, because this rulemaking is the repeal of rules that no longer apply to any supplier in Illinois, it imposes no new requirements.

D) Types of professional skills necessary for compliance:

Compliance with the existing rules may require small businesses that supply drinking water to at least 25 of the same persons over 6 months per year to employ the services of an attorney, certified public accountant, chemist and registered professional engineer. However, because this rulemaking is the repeal of rules that no longer apply to any supplier in Illinois, it imposes no new requirements.

The full text of the proposed amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER 1: POLLUTION CONTROL BOARD

PART 605
SAMPLING AND MONITORING

Section
605.101
605.102

Frequency of Bacteriological Sampling (Repealed)
Minimum Allowable Monthly Samples for Bacteriological Analysis (Repealed)

605.103
605.104
605.105

Frequency of Chemical Analysis Sampling (Repealed)
Frequency of Trihalomethane Analysis Sampling (Repealed)
Monitoring Requirements for Radium-226, -228 and Gross Alpha Particle Activity (Repealed)

605.106

Monitoring Frequency for Radium-226, -228 and Gross Alpha Particle Activity (Repealed)

605.107

Monitoring Requirements for Man-Made Radioactivity (Repealed)

605.108

Monitoring Frequency for Man-Made Radioactivity (Repealed)

605.109

Surface Water Supplies Additional Monitoring Requirements

605.110

Modification of Monitoring Requirements (Repealed)

605-Appendix A

References to Former Rules (Repealed)

AUTHORITY: Implementing Section 17 and 17.5 and authorized by Section 27 of the Environmental Protection Act (Ill. Rev. Stat. 1987, ch. 111½, pars. 1017, 1017.5 and 1027 [415 ILCS 5/17, 5/17.5 and 5/27]).

SOURCE: Filed with Secretary of State January 1, 1978; amended at 2 Ill. Reg. 36, p. 72, effective August 29, 1978; amended and codified at 6 Ill. Reg. 11497, effective September 14, 1982; amended at 6 Ill. Reg. 14344, effective November 3, 1982; amended in R84-12 at 14 Ill. Reg. 695, effective January 2, 1990; amended at 14 Ill. Reg. 16642, effective September 20, 1990; amended in R92-3 at 17 Ill. Reg. _____, effective _____, 1993.

Section 605.101

Frequency of Bacteriological Sampling (Repealed)

This section applies until the effective date for the filtration and disinfection requirements of 35 Ill. Adm. Code 611.5 Subpart B as applicable to each supply.

a) Representative samples of the finished water from the distribution system are to be submitted monthly by each supply owner, official custodian, or his authorized personnel to a certified laboratory for bacteriological analysis.

1) The minimum number of samples to be submitted monthly is dependent upon the population served as shown in Section 605.102.

2) A greater number of samples may be required by the Environmental Protection Agency (Agency) to be analyzed each month.

b) The owner, official custodian, or authorized personnel of any community water supply which to exempt from chlorination pursuant to 35 Ill. Adm. Code 604.402 shall submit samples to a certified laboratory for bacteriological analysis at least twice a month. Each submission shall consist of the minimum number of samples

shown in Section 605.102 plus raw water samples of a sufficient number to assure that each active well is sampled at least monthly.

- e) It shall be the responsibility of the supply to have the analyses performed either at its own certified laboratory or at any other certified laboratory. The Agency may require that some or all of the monthly samples be submitted to its laboratories.

(Source: Repealed at 17 Ill. Reg. _____, effective _____, 1993)

Section 605.102 Minimum Allowable Monthly Samples for Bacteriological Analysis (Repealed)

This Section applies until the effective date for the filtration and disinfection requirements of 35 Ill. Adm. Code 611.5 Subpart B as applicable to each supply.

Population Served	Minimum number of Samples per Month
25 to 100	1
101 to 2,500	2
2,501 to 3,200	3
3,201 to 4,100	4
4,101 to 4,900	5
4,901 to 5,800	6
5,801 to 6,700	7
6,701 to 7,600	8
7,601 to 8,500	9
8,501 to 9,400	10
9,401 to 10,300	11
10,301 to 11,100	12
11,101 to 12,000	13
12,001 to 12,900	14
12,901 to 13,700	15
13,701 to 14,600	16
14,601 to 15,500	17
15,501 to 16,300	18
16,301 to 17,200	19
17,201 to 18,100	20
18,101 to 18,900	21
18,901 to 19,800	22
19,801 to 20,700	23
20,701 to 21,500	24
21,501 to 22,300	25
22,301 to 23,200	26
23,201 to 24,000	27
24,001 to 24,900	28
24,901 to 25,800	29
25,801 to 26,700	30
26,701 to 27,600	31
27,601 to 28,500	32
28,501 to 29,400	33
29,401 to 30,300	34
30,301 to 31,200	35
31,201 to 32,100	36
32,101 to 33,000	37
33,001 to 33,900	38
33,901 to 34,800	39
34,801 to 35,700	40
35,701 to 36,600	41
36,601 to 37,500	42
37,501 to 38,400	43
38,401 to 39,300	44
39,301 to 40,200	45
40,201 to 41,100	46
41,101 to 42,000	47
42,001 to 42,900	48
42,901 to 43,800	49
43,801 to 44,700	50
44,701 to 45,600	51
45,601 to 46,500	52
46,501 to 47,400	53
47,401 to 48,300	54
48,301 to 49,200	55
49,201 to 50,100	56
50,101 to 51,000	57
51,001 to 51,900	58
51,901 to 52,800	59
52,801 to 53,700	60

54,001 to 59,000	65
59,001 to 64,000	70
64,001 to 69,000	75
69,001 to 74,000	80
74,001 to 79,000	85
79,001 to 84,000	90
84,001 to 89,000	95
89,001 to 94,000	100
94,001 to 99,000	105
99,001 to 104,000	110
104,001 to 109,000	115
109,001 to 114,000	120
114,001 to 119,000	125
119,001 to 124,000	130
124,001 to 129,000	135
129,001 to 134,000	140
134,001 to 139,000	145
139,001 to 144,000	150
144,001 to 149,000	155
149,001 to 154,000	160
154,001 to 159,000	165
159,001 to 164,000	170
164,001 to 169,000	175
169,001 to 174,000	180
174,001 to 179,000	185
179,001 to 184,000	190
184,001 to 189,000	195
189,001 to 194,000	200
194,001 to 199,000	205
199,001 to 204,000	210
204,001 to 209,000	215
209,001 to 214,000	220
214,001 to 219,000	225
219,001 to 224,000	230
224,001 to 229,000	235
229,001 to 234,000	240
234,001 to 239,000	245
239,001 to 244,000	250
244,001 to 249,000	255
249,001 to 254,000	260
254,001 to 259,000	265
259,001 to 264,000	270
264,001 to 269,000	275
269,001 to 274,000	280
274,001 to 279,000	285
279,001 to 284,000	290
284,001 to 289,000	295
289,001 to 294,000	300
294,001 to 299,000	305
299,001 to 304,000	310
304,001 to 309,000	315
309,001 to 314,000	320
314,001 to 319,000	325
319,001 to 324,000	330
324,001 to 329,000	335
329,001 to 334,000	340
334,001 to 339,000	345
339,001 to 344,000	350
344,001 to 349,000	355
349,001 to 354,000	360
354,001 to 359,000	365
359,001 to 364,000	370
364,001 to 369,000	375
369,001 to 374,000	380
374,001 to 379,000	385
379,001 to 384,000	390
384,001 to 389,000	395
389,001 to 394,000	400
394,001 to 399,000	405
399,001 to 404,000	410
404,001 to 409,000	415
409,001 to 414,000	420
414,001 to 419,000	425
419,001 to 424,000	430
424,001 to 429,000	435
429,001 to 434,000	440
434,001 to 439,000	445
439,001 to 444,000	450
444,001 to 449,000	455
449,001 to 454,000	460
454,001 to 459,000	465
459,001 to 464,000	470
464,001 to 469,000	475
469,001 to 474,000	480
474,001 to 479,000	485
479,001 to 484,000	490
484,001 to 489,000	495
489,001 to 494,000	500
494,001 to 499,000	505
499,001 to 504,000	510
504,001 to 509,000	515
509,001 to 514,000	520
514,001 to 519,000	525
519,001 to 524,000	530
524,001 to 529,000	535
529,001 to 534,000	540
534,001 to 539,000	545
539,001 to 544,000	550
544,001 to 549,000	555
549,001 to 554,000	560
554,001 to 559,000	565
559,001 to 564,000	570
564,001 to 569,000	575
569,001 to 574,000	580
574,001 to 579,000	585
579,001 to 584,000	590
584,001 to 589,000	595
589,001 to 594,000	600
594,001 to 599,000	605
599,001 to 604,000	610
604,001 to 609,000	615
609,001 to 614,000	620
614,001 to 619,000	625
619,001 to 624,000	630
624,001 to 629,000	635
629,001 to 634,000	640
634,001 to 639,000	645
639,001 to 644,000	650
644,001 to 649,000	655
649,001 to 654,000	660
654,001 to 659,000	665
659,001 to 664,000	670
664,001 to 669,000	675
669,001 to 674,000	680
674,001 to 679,000	685
679,001 to 684,000	690
684,001 to 689,000	695
689,001 to 694,000	700
694,001 to 699,000	705
699,001 to 704,000	710
704,001 to 709,000	715
709,001 to 714,000	720
714,001 to 719,000	725
719,001 to 724,000	730
724,001 to 729,000	735
729,001 to 734,000	740
734,001 to 739,000	745
739,001 to 744,000	750
744,001 to 749,000	755
749,001 to 754,000	760
754,001 to 759,000	765
759,001 to 764,000	770
764,001 to 769,000	775
769,001 to 774,000	780
774,001 to 779,000	785
779,001 to 784,000	790
784,001 to 789,000	795
789,001 to 794,000	800
794,001 to 799,000	805
799,001 to 804,000	810
804,001 to 809,000	815
809,001 to 814,000	820
814,001 to 819,000	825
819,001 to 824,000	830
824,001 to 829,000	835
829,001 to 834,000	840
834,001 to 839,000	845
839,001 to 844,000	850
844,001 to 849,000	855
849,001 to 854,000	860
854,001 to 859,000	865
859,001 to 864,000	870
864,001 to 869,000	875
869,001 to 874,000	880
874,001 to 879,000	885
879,001 to 884,000	890
884,001 to 889,000	895
889,001 to 894,000	900
894,001 to 899,000	905
899,001 to 904,000	910
904,001 to 909,000	915
909,001 to 914,000	920
914,001 to 919,000	925
919,001 to 924,000	930
924,001 to 929,000	935
929,001 to 934,000	940
934,001 to 939,000	945
939,001 to 944,000	950
944,001 to 949,000	955
949,001 to 954,000	960
954,001 to 959,000	965
959,001 to 964,000	970
964,001 to 969,000	975
969,001 to 974,000	980
974,001 to 979,000	985
979,001 to 984,000	990
984,001 to 989,000	995
989,001 to 994,000	1000
994,001 to 999,000	1005
999,001 to 1004,000	1010
1004,001 to 1009,000	1015
1009,001 to 1014,000	1020
1014,001 to 1019,000	1025
1019,001 to 1024,000	1030
1024,001 to 1029,000	1035
1029,001 to 1034,000	1040
1034,001 to 1039,000	1045
1039,001 to 1044,000	1050
1044,001 to 1049,000	1055
1049,001 to 1054,000	1060
1054,001 to 1059,000	1065
1059,001 to 1064,000	1070
1064,001 to 1069,000	1075
1069,001 to 1074,000	1080
1074,001 to 1079,000	1085
1079,001 to 1084,000	1090
1084,001 to 1089,000	1095
1089,001 to 1094,000	1100
1094,001 to 1099,000	1105
1099,001 to 1104,000	1110
1104,001 to 1109,000	1115
1109,001 to 1114,000	1120
1114,001 to 1119,000	1125
1119,001 to 1124,000	1130
1124,001 to 1129,000	1135
1129,001 to 1134,000	1140
1134,001 to 1139,000	1145
1139,001 to 1144,000	1150
1144,001 to 1149,000	1155
1149,001 to 1154,000	1160
1154,001 to 1159,000	1165
1159,001 to 1164,000	1170
1164,001 to 1169,000	1175
1169,001 to 1174,000	1180
1174,001 to 1179,000	1185
1179,001 to 1184,000	1190
1184,001 to 1189,000	1195
1189,001 to 1194,000	1200
1194,001 to 1199,000	1205
1199,001 to 1204,000	1210
1204,001 to 1209,000	1215
1209,001 to 1214,000	1220
1214,001 to 1219,000	1225
1219,001 to 1224,000	1230
1224,001 to 1229,000	1235
1229,001 to 1234,000	1240
1234,001 to 1239,000	1245
1239,001 to 1244,000	1250
1244,001 to 1249,000	1255
1249,001 to 1254,000	1260
1254,001 to 1259,000	1265
1259,001 to 1264,000	1270
1264,001 to 1269,000	1275
1269,001 to 1274,000	1280
1274,001 to 1279,000	1285
1279,001 to 1284,000	1290
1284,001 to 1289,000	1295
1289,001 to 1294,000	1300
1294,001 to 1299,000	1305
1299,001 to 1304,000	1310
1304,001 to 1309,000	1315
1309,001 to 1314,000	1320
1314,001 to 1319,000	1325
1319,001 to 1324,000	1330
1324,001 to 1329,000	1335
1329,001 to 1334,000	1340
1334,001 to 1339,000	1345
1339,001 to 1344,000	1350
1344,001 to 1349,000	1355
1349,001 to 1354,000	1360
1354,001 to 1359,000	1365
1359,001 to 1364,000	1370
1364,001 to 1369,000	1375
1369,001 to 1374,000	1380
1374,001 to 1379,000	1385
1379,001 to 1384,000	1390
1384,001 to 1389,000	1395
1389,001 to 1394,000	1400
1394,001 to 1399,000	1405
1399,001 to 1404,000	1410
1404,001 to 1409,000	1415
1409,001 to 1414,000	1420
1414,001 to 1419,000	1425
1419,001 to 1424,000	1430
1424,001 to 1429,000	1435
1429,001 to 1434,000	1440
1434,001 to 1439,000	1445
1439,001 to 1444,000	1450
1444,001 to 1449,000	1455
1449,001 to 1454,000	1460
1454,001 to 1459,000	1465
1459,001 to 1464,000	1470
1464,001 to 1469,000	1475
1469,001 to 1474,000	1480
1474,001 to 1479,000	1485
1479,001 to 1484,000	1490
1484,001 to 1489,000	1495
1489,001 to 1494,000	1500
1494,001 to 1499,000	1505
1499,001 to 1504,000	1510
1504,001 to 1509,000	1515
1509,001 to 1514,000	1520
1514,001 to 1519,000	1525
1519,001 to 1524,000	1530
1524,001 to 1529,000	1535
1529,001 to 1534,000	1540
1534,001 to 1539,000	1545
1539,001 to 1544,000	1550
1544,001 to 1549,000	1555
1549,001 to 1554,000	1560
1554,001 to 1559,000	1565
1559,001 to 1564,000	1570
1564,001 to 1569,000	1575
1569,001 to 1574,000	1580
1574,001 to 1579,000	1585
1579,001 to 1584,000	1590
1584,001 to 1589,000	1595
1589,001 to 1594,000	1600
1594,001 to 1599,000	1605
1599,001 to 1604,000	1610
1604,001 to 1609,000	1615
1609,001 to 1614,000	1620
1614,001 to 1619,000	1625
1619,001 to 1624,000	1630
1624,001 to 1629,000	1635
1629,001 to 1634,000	1640
1634,001 to 1639,000	1645
1639,001 to 1644,000	1650
1644,001 to 1649,000	1655
1649,001 to 1654,000	1660
1654,001 to 1659,000	1665
1659,001 to 1664,000	1670
1664,001 to 1669,000	1675
1669,001 to 1674,000	1680
1674,001 to 1679,000	1685
1679,001 to 1684,000	1690
1684,001 to 1689,000	1695
1689,001 to 1694,000	1700
1694,001 to 1699,000	1705
1699,001 to 1704,000	1710
1704,001 to 1709,000	1715
1709,001 to 1714,000	1720
1714,001 to 1719,000	1725
1719,001 to 1724,000	1730
1724,001 to 1729,000	1735
1729,001 to 1734,000	1740
1734,001 to 1739,000	1745
1739,001 to 1744,000	1750
1744,001 to 1749,000	1755
1749,001 to 1754,000	1760
1754,001 to 1759,000	1765
1759,001 to 1764,000	1770
1764,001 to 1769,000	1775
1769,001 to 1774,000	1780
1774,001 to 1779,000	1785
1779,001 to 1784,000	1790
1784,001 to 1789,000	1795
1789,001 to 1794,000	1800
1794,001 to 1799,000	1805
1799,001 to 1804,000	1810
1804,001 to 1809,000	1815
1809,001 to 1814,000	1820
1814,001 to 1819,000	1825
1819,001 to 1824,000	1830
1824,001 to 1829,000	1835
1829,001 to 1834,000	1840
1834,001 to 1839,000	1845
1839,001 to 1844,000	1850
1844,001 to 1849,000	1855
1849,001 to 1854,000	1860
1854,001 to	

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NOTICE OF PROPOSED AMENDMENTS

1) The Heading of the Part:

AIDS Confidentiality and Testing Code

2) Code Citation:

77 Ill. Adm. Code 697

3) Section Numbers:697.20
697.30Proposed Action:Amendment
Amendment4) Statutory Authority:

The AIDS Confidentiality Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par 7301 et seq.)

5) A Complete Description of the Subject and Issues Involved:

This rulemaking amends existing Department rules concerning the definition of a case of AIDS to reflect the newly effective revised CDC definition. The AIDS Registry Act specifies that AIDS cases in Illinois are to be defined as per the CDC. The revised HIV/AIDS classification system and expanded AIDS surveillance case definition were published in the December 18, 1992 supplement to the Morbidity and Mortality Weekly Report (MMWR). Under the new definition, adults and adolescents with documented HIV infection who have CD4+ T-lymphocyte counts less than 200 cubic millimeters or a CD4+ percent less than 14 will be reportable as AIDS cases. In addition to the 23 clinical conditions in the 1987 case definition, all persons with documented HIV infection and any of the following conditions will be AIDS-defining: pulmonary tuberculosis; recurrent pneumonia (within a twelve month period); or invasive cervical cancer. The expanded definition is expected to increase reported cases of AIDS in Illinois by as much as 75 percent in the first year.

The economic effect of these amendments is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?Yes ☒ No ☐Does this Rulemaking Contain an Automatic Repeal Date?Yes ☐ No ☒Does this Rulemaking Contain any Incorporations by Reference?

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Yes ☐ No ☒9) Are there any other Proposed Amendments Pending on this Part?Yes ☐ No ☒If Yes:

Section Numbers Proposed Action III. Reg. Citation

10) Statement of Statewide Policy Objectives:

All state and local entities reporting AIDS cases to the CDC are required to use the CDC definition of AIDS.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking.

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicated their status as such in their comments.

12) Initial Regulatory Flexibility Analysis

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs

B) Type of Small Businesses Affected

Local health departments, physician's offices, hospitals

C) Reporting, Bookkeeping or Other Procedures Required for Compliance

Submission of AIDS case report form

D) Types of Professional Skills Necessary for Compliance

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Nursing or medical records background.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER d: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 697

AIDS CONFIDENTIALITY AND TESTING CODE

SUBPART A: GENERAL PROVISIONS

Section	
697.10	Applicability
697.20	Definitions
697.30	Incorporated Materials
697.40	Administrative Hearings

SUBPART B: HIV TESTING

Section	
697.100	Approved HIV Tests and Testing Procedures
697.110	HIV Pre-Test Information
697.120	Written Informed Consent
697.130	Anonymous Testing
697.140	Disclosure of the Identity of a Person Tested or Test Results
697.150	Marriage License Testing Requirements (Repealed)
697.160	HIV Testing for Insurance Purposes
697.170	Enforcement of the AIDS Confidentiality Act
697.180	HIV Testing for Blood and Human Tissue Donations

SUBPART C: AIDS REGISTRY SYSTEM

Section	
697.200	AIDS Registry System
697.210	Reporting Requirements
697.220	Release of AIDS Registry Information

SUBPART D: HIV COUNSELING AND TESTING CENTERS

Section	
697.300	HIV Counseling and Testing Centers

SUBPART E: MISCELLANEOUS PROVISIONS

Section	
697.400	Notification of School Principals

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697.410 Guidelines for the Management of Chronic Infectious Diseases in School Children
697.420 Testing, Treatment or Counseling of Minors

697.Appendix A Sample HIV Testing Forms

Illustration A Sample Written Informed Consent Form

Illustration B Sample Marriage License Testing Certificate (Repealed)

697.Appendix B Statutory and Regulatory References to AIDS

AUTHORITY: Implementing and authorized by AIDS Confidentiality Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7301 et seq.); AIDS Registry Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 7351 et seq.); "AN ACT in relation to the prevention of certain communicable diseases" (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 22.11 et seq.), and Sections 55, 55.11, 55.41 and 55.45 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 55, 55.11, 55.41 and 55.45).

SOURCE: Emergency rules adopted at 12 Ill. Reg. 1601, effective January 1, 1988, for a maximum of 150 days; adopted at 12 Ill. Reg. 9952, effective May 27, 1988; amended at 13 Ill. Reg. 11544, effective July 1, 1989; amended at 15 Ill. Reg. 11646, effective August 15, 1991; emergency amendment at 17 Ill. Reg. 1204, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg. _____, effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART A: GENERAL PROVISIONS

Section 697.20 Definitions

The following are definitions of terms used in this Part:

"ACT" or "AIDS Confidentiality Act" means the AIDS Confidentiality Act (Ill. Rev. Stat. 199189, ch. 111 1/2, par. 7301 et seq.)

"AIDS" MEANS ACQUIRED IMMUNODEFICIENCY SYNDROME, AS DEFINED BY THE CENTERS FOR DISEASE CONTROL OR THE NATIONAL INSTITUTES OF HEALTH. (Section 3(a) of the AIDS Registry Act). Similar definitions appear in the Act. Current definition can be found in "Revision of the CDC Surveillance Case Definition for Acquired Immunodeficiency Syndrome", Centers for Disease Control, Mortality and Morbidity Weekly Report (MMWR) Supp. December 18, 1992, 41(RR17), 1987-36 (No. 45). Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333.

"AIDS Registry Act" means the AIDS Registry Act (Ill. Rev. Stat. 199189, ch. 111 1/2, par. 7351 et seq.)

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"Blood Bank" means any facility or location at which blood or plasma are procured, furnished, donated, processed, stored or distributed.

"DEPARTMENT" MEANS THE ILLINOIS DEPARTMENT OF PUBLIC HEALTH. (Section 3(a) of the AIDS Confidentiality Act.)

"Designated Agency" means a health care organization under a service agreement with the Department to function in the capacity of a Local Health Authority for the purposes of this Part, in a jurisdiction not covered by a Local Health Authority.

"HEALTH CARE PROVIDER" MEANS ANY PHYSICIAN, NURSE, PARAMEDIC, PSYCHOLOGIST OR OTHER PERSON PROVIDING MEDICAL, NURSING, PSYCHOLOGICAL, OR OTHER HEALTH CARE SERVICES OF ANY KIND. (Section 3(f) of the AIDS Confidentiality Act.)

"HEALTH FACILITY" MEANS A HOSPITAL, NURSING HOME, BLOOD BANK, BLOOD CENTER, SPERM BANK, OR OTHER HEALTH CARE INSTITUTION, INCLUDING ANY "HEALTH FACILITY" AS THAT TERM IS DEFINED IN THE ILLINOIS HEALTH FACILITIES AUTHORITY ACT. (Section 3(e) of the AIDS Confidentiality Act.)

"HIV" MEANS THE HUMAN IMMUNODEFICIENCY VIRUS. (Section 3(c) of the AIDS Confidentiality Act.)

"HIV-Infected" or "HIV infection" means infected with HIV, as evidenced by a confirmed laboratory test for antibodies to HIV as specified in Section 697.100, viral culture or positive antigen test or a clinical diagnosis of AIDS

"Laboratory" means any facility or location at which tests are performed to determine the presence of antibodies to HIV, other than blood banks.

"Legally Authorized Representative" means an individual who is authorized to consent to HIV testing and/or disclosure of HIV test results for an individual who is

Under the age of twelve (12),

Deceased,

Declared incompetent by a court of law, or

Otherwise not competent to consent (for reasons other than age such as the apparent inability to understand or communicate with the health care provider) as determined by the health care provider seeking such consent

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The following individuals shall be authorized to consent, in the stated order of priority:

For a living or deceased child under the age of eighteen (18):

Parent, legal guardian or other court-appointed personal representative,

Adult next-of-kin.

For a living or deceased adult age eighteen (18) or over:

Agent authorized by durable power of attorney for health care,

Legal guardian or other court-appointed personal representative,

Spouse,

Adult children,

Parent,

Adult next-of-kin.

"Local Health Authority" means THE FULL-TIME OFFICIAL HEALTH DEPARTMENT OR BOARD OF HEALTH, HAVING JURISDICTION OVER A PARTICULAR AREA. (Illinois Sexually Transmissible Disease Control Act (Ill. Rev. Stat. 1991~~89~~, ch. 111 1/2, par. 7401 et seq.).

"PERSON" INCLUDES ANY NATURAL PERSON, PARTNERSHIP, ASSOCIATION, JOINT VENTURE, TRUST, GOVERNMENTAL ENTITY, PUBLIC OR PRIVATE CORPORATION, HEALTH FACILITY OR OTHER LEGAL ENTITY. (Section 3(h) of the AIDS Confidentiality Act.)

"Physician" means a physician licensed to practice medicine under the Medical Practice Act of 1987 (Ill. Rev. Stat. 1991~~89~~, ch. 111, par. 4401-1 et seq.).

"TEST" OR "HIV TEST" MEANS A TEST TO DETERMINE THE PRESENCE OF THE ANTIBODY OR ANTIGEN TO HIV, OR OF HIV INFECTION. (Section 3(g) of the AIDS Confidentiality Act.)

"WRITTEN INFORMED CONSENT" MEANS AN AGREEMENT IN WRITING EXECUTED BY THE SUBJECT OF A TEST OR THE SUBJECT'S LEGALLY AUTHORIZED REPRESENTATIVE WITHOUT UNDUE INDUCEMENT such as

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ANY ELEMENT OF FORCE, FRAUD, DECEIT, DURESS OR OTHER FORM OF CONSTRAINT OR COERCION (See, Appendix A, Illustration A.), WHICH ENTAILS AT LEAST THE FOLLOWING:

A FAIR EXPLANATION OF THE TEST, INCLUDING ITS PURPOSE, POTENTIAL USES, LIMITATIONS AND THE MEANING OF ITS RESULTS; AND

A FAIR EXPLANATION OF THE PROCEDURES TO BE FOLLOWED, INCLUDING THE VOLUNTARY NATURE OF THE TEST, THE RIGHT TO WITHDRAW CONSENT TO THE TESTING PROCESS AT ANY TIME prior to the completion of the laboratory tests, THE RIGHT TO ANONYMITY TO THE EXTENT PROVIDED BY LAW WITH RESPECT TO PARTICIPATION IN THE TEST AND DISCLOSURE OF TEST RESULTS, AND THE RIGHT TO CONFIDENTIAL TREATMENT OF INFORMATION IDENTIFYING THE SUBJECT OF THE TEST AND THE RESULTS OF THE TEST, TO THE EXTENT PROVIDED BY LAW. (Section 3(d) of the AIDS Confidentiality Act.)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 697.30 Incorporated Materials

The following materials are incorporated or referenced in this Part:

a) Illinois Statutes

- 1) AIDS Confidentiality Act (Ill. Rev. Stat. 1991~~89~~, ch. 111 1/2, par. 7301 et seq.),
- 2) AIDS Registry Act (Ill. Rev. Stat. 1991~~89~~, ch. 111 1/2, par. 7351 et seq.),
- 3) AN ACT in relation to the prevention of certain communicable diseases (Ill. Rev. Stat. 1991~~89~~, ch. 111 1/2, par. 22.11 et seq.),
- 4) The Unified Code of Corrections (Ill. Rev. Stat. 1991~~89~~, ch. 38, par. 1001-1-1 et seq.),
- 5) "AN ACT concerning certain rights of medical patients" (Ill. Rev. Stat. 1991~~89~~, ch. 111 1/2, par. 5401 et seq.),
- 6) The Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991~~89~~, ch. 127, par. 55.01 to 55.45).

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b) Illinois Rules

- 1) Control of Communicable Disease Code (77 Ill. Adm. Code 690) (See in particular Section 697.140(a)(4) of this Part).
- 2) Control of Sexually Transmissible Diseases Code (77 Ill. Adm. Code 693) (See in particular Sections 697.140(a)(4) and 697.210(a) of this Part).
- 3) Illinois Clinical Laboratories Code (77 Ill. Adm. Code 450) (See in particular Section 697.180(c) and (e)).
- 4) Blood Labeling Code (77 Ill. Adm. Code 460) (See in particular Section 697.180(c) and (e) of this Part).
- 5) Sperm Bank and Tissue Bank Code (77 Ill. Adm. Code 470) (See in particular Section 697.180(c) and (e)).
- 6) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (See in particular Section 697.40 of the Part).
- 7) Illinois Blood Bank Code (77 Ill. Adm. Code 490).

c) Federal Rules

- 42 CFR 2a. 4(a) - (j), 2a. 6(a) - (b), and 2a. 7(a) - (b)

d) Other Codes, Guidelines and Standards

- 1) "Revision of the CDC Surveillance Case Definition for Acquired Immunodeficiency Syndrome," Centers for Disease Control, Mortality and Morbidity Weekly Report (MMWR) Supp. December 18, 1992; 41(RR17), 4987; 36-44+454, Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333. (See the definition of AIDS in Section 697.20)
- 2) "AIDS Confidential Case Report" a form prepared by the Centers for Disease Control, Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333, Office of Management and Budget No. 0920-0009 (1987) (See Section 697.210)
- 3) Guidelines for the Management of Chronic Infectious Diseases in School Children (See Section 697.410)
- 4) Classification Scheme for HIV Infection, Centers for Disease Control

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Morbidity and Mortality Weekly Report (MMWR). Vol. 35, No. 20, May 23, 1986, Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333.

- e) All citations to federal regulations in this Part concern the specified regulations in the 1987 Code of Federal Regulations, unless another date is specified.
- f) All incorporations by reference of federal regulations or standards and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source Amended at 17 Ill. Reg. _____, effective _____)

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NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part:

Child Health Examination Code

2) Code Citation:

77 Ill. Adm. Code 665

3) Section Numbers:

	<u>Proposed Action:</u>
665.100	Amended
665.110	Repealed
665.120	Amended
665.140	Amended
665.150	Amended
665.210	Amended
665.220	Amended
665.230	Amended
665.240	Amended
665.280	Amended
665.310	Amended
665.420	Amended
665.430	Amended
665.510	Amended
665.610	Amended
665.620	Amended
665.630	Amended
665.640	Amended
665. Appendix B	Repealed

4) Statutory Authority:

The School Code

Ill. Rev. Stat. 1991, ch. 122, par. 27-8.1

5) A Complete Description of the Subjects and Issues Involved:

This rulemaking specifies criteria to be used by physicians and health care providers in screening children for lead poisoning. As part of the health examination, lead screening shall be required for children six (6) years and below, prior to admission to a preschool, nursery school, kindergarten or other child care program licensed or approved by the State. This rulemaking requires a health examination be completed for students from other countries, regardless of duration of stay, within one year prior to the date of entering the school. In addition, the rulemaking makes the ages correspond for dental and vision examination for ungraded school programs to be consistent with those required for the health examination.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect? Yes ☐ No ☒

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7) Does this Rulemaking contain an Automatic Repeal Date? Yes ☐ No ☒

If "yes," please specify the date:

8) Does this Rulemaking Contain Any Incorporations By Reference? Yes ☐ No ☒If "yes," please specify type: 6.02(a) ☐ or 6.02(b) ☐9) Are there any other Proposed Amendments Pending on this Part? Yes ☐ No ☒

If Yes:

<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
------------------------	------------------------	---------------------------

10) Statement of Statewide Policy Objectives:

This rulemaking will not create or expand a State mandate on units of local government.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking:

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 within 45 days after this issue of the Illinois Register.

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act) commenting on these rules shall indicate their status as such, in writing, in their comments.

12) Initial Regulatory Flexibility Analysis:A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:B) Type of Small Businesses Affected:

Physicians, hospitals, clinics and other health agencies providing health examinations for children.

C) Reporting, Bookkeeping or Other Procedures Required for Compliance:

Lead screening shall be required as a part of the Certificate of Child Health Examination

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conducted by physicians and health care providers.

D) Types of Professional Skills Necessary for Compliance:

The ability to conduct and complete a health examination and the uniform form.

The full text of the Proposed Amendments begins on the next page:

Section
665.100
665.110

Statutory Authority
General Considerations (Repealed)

SUBPART B: HEALTH EXAMINATION

Section
665.120
665.130
665.140
665.150
665.160
665.210
665.220
665.230
665.240
665.250
665.260
665.270
665.280

Health Examination Requirement
Signature of Physician
Time Examinations to be Conducted
Report Forms
Proof of Examination
Proof of Immunizations
Local School Authority
School Entrance
Basic Immunization
Proof of Immunity
Booster Immunizations
Compliance with the Law
Physician Statement of Immunity

SUBPART C: VISION AND HEARING SCREENING

Section
665.310

Vision and Hearing Screening

SUBPART D: DENTAL EXAMINATION

Section
665.410
665.420
665.430
665.440

Dental Examination Recommendation
Dental Examination
Dental Examination Record
Guidelines

SUBPART E: EXCEPTIONS

Section
665.510

Objection of Parent or Legal Guardian

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665.520

Medical Objection

SUBPART F: VISION EXAMINATION

Section

665.610 Vision Examination Recommendation

665.620 Vision Examination

665.630 Vision Examination Report

665.640 Indigent Students

665 Appendix A

Vision Examination Report

665 Appendix B Certificate of Child Health Examination (Repealed)

AUTHORITY: Implementing and authorized by Section 27-8.1 of The School Code (Ill. Rev. Stat. 1991, ch. 122, par. 27-8.1).

SOURCE: Emergency rules adopted at 4 Ill. Reg. 38, p. 275, effective September 10, 1980, for a maximum of 150 days; emergency rule adopted at 4 Ill. Reg. 41, p.176, effective October 1, 1980, for a maximum of 150 days; adopted at 5 Ill. Reg. 1403, effective January 29, 1981; codified at 8 Ill. Reg. 8921; amended at 11 Ill. Reg. 11791, effective June 29, 1987; amended at 13 Ill. Reg. 11565, effective July 1, 1989; amended at 13 Ill. Reg. 17047, effective November 1, 1989; emergency amendment at 14 Ill. Reg. 5617, effective March 30, 1990 for a maximum of 150 days; amended at 14 Ill. Reg. 14543, effective August 27, 1990; amended at 15 Ill. Reg. 7706, effective May 1, 1991; amended at 17 Ill. Reg. _____, effective _____.

NOTE: Capitalization denotes statutory language.

SUBPART A: GENERAL PROVISIONS

Section 665.100 Statutory Authority

The Illinois Department of Public Health (Department ~~DPH~~) is authorized under Section 27-8.1 of The School Code (Ill. Rev. Stat. 1991, ch. 122, par. 27-8.1) TO PROMULGATE THE RULES AND REGULATIONS, SPECIFY THE EXAMINATIONS AND PROCEDURES WHICH SHALL CONSTITUTE A HEALTH EXAMINATION, AND TO PROMULGATE RULES AND REGULATIONS SPECIFYING IMMUNIZATIONS AGAINST PREVENTABLE COMMUNICABLE DISEASES.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 665.110 General Considerations (Repealed)

General Considerations To abate the considerable confusion through the State as to several aspects of this law, the Department of Public Health now promulgates rules in order to safeguard the health of school children in Illinois and to set the standards for the school health examination and immunizations pursuant to The School Code.

(Source: Repealed at 17 Ill. Reg. _____, effective _____)

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SUBPART B: HEALTH EXAMINATION

Section 665.120 Health Examination Requirement

Health Examination for all ~~p~~Public, ~~p~~Private/independent and ~~p~~Parochial school students in Illinois shall require a physical examination, protection from communicable disease, and vision and hearing screening according to the following rules of the ~~Illinois~~ Department of ~~Public-Health~~. Dental examinations are recommended as part of the health examination, but not mandatory. Lead screening meaning blood lead testing is required as part of the health examination, as specified in Section 665.140(f).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 665.140 Time Examinations to be Conducted

a) The examination shall be conducted within one year:

1) Prior to the date of entering school (this includes nursery school, special education, headstart programs operated by elementary school systems or secondary level school units or institutions of higher learning; and students transferring into Illinois from out-of-state or out-of-country);

2) Prior to the date of entering kindergarten or first grade;

3) Prior to the date of entering the fifth grade; and

4) ~~And again;~~ Prior to the date of entering the ninth grade.

b) For students attending school programs where grade levels are not assigned, examinations shall be completed prior to the date of entering and within one year prior to the school year in which the child reaches the ages of 5, 10, and 15.

c) For students from other countries who attend classes, regardless of the duration of stay, examinations shall be completed within one year prior to the date of entering the school and at other intervals as provided in this Section.

de) Additional health examinations and further evaluations of students may be required when deemed necessary by school authorities.

ed) It is recommended that health examinations be required for children under 5 years of age at intervals of not less than 2 years, in programs operated by elementary school systems or secondary level school units or ~~in~~ institutions of higher learning.

f) Beginning with the 1993-94 school year, lead screening shall be required as a part of the health examination for children age six years or below, prior to admission to a preschool, nursery school, kindergarten or other child care program licensed or approved by the state, including such programs operated by a public school district. Lead screening shall be required for public school students age six (6) years or below subsequent to admission,

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in conjunction with health examinations required by this Section.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 665.150 Report Forms

Health examinations shall be reported on the uniform forms that the Department of Public Health and the Illinois State Board of Education prescribe for statewide use. The Effective December 1, 1980, the required form is the Certificate of Child Health Examination provided by the Department and compliance in using this form shall be required as of the 1981-82 school year and every school year thereafter. The Certificate of Child Health is the prescribed form.

- a) For transfer students from out-of-state or out-of-country, or transfer from a Federal Head Start Program, a health form that is comparable to the Illinois requirements may be accepted only at the time of first entry into an Illinois school. (A statement by a physician licensed to practice medicine in all of its branches or health care provider indicating only that an examination had been conducted is not acceptable.)
- b) The physical examination shall include an evaluation of: height, weight, blood pressure, skin, eyes, ears, nose, throat, mouth/dental, cardiovascular (including blood pressure), respiratory, gastrointestinal, genito-urinary, neurological, musculoskeletal, spinal status examination, nutritional status, lead screening, and other evaluations deemed necessary by the examiner. The strongly recommended evaluations include hemoglobin or hematocrit, urinalysis, lead screening and sickle cell. It is also recommended that the examiner list any medications the child takes routinely, diet restrictions/needs, special equipment needed, or other needs, or known allergies.
- c) The examiner shall summarize on the report form any condition that he/she suspects indicates a need for special services.
- d) The medical history section of the form shall be completed and signed by the parent or legal guardian of the student. The medical history shall be inclusive as indicated on the Certificate of Child Health Examination form.
- e) The individual verifying the administration of required immunizations shall record as indicated on the Certificate of Child Health Examination form that the immunizations were administered as required by current rules of the Department DPH and the rules of this Act.
- f) Vision and hearing screening is required under the Child Vision and Hearing Test Act (Ill. Rev. Stat. 1991, ch. 23, pars. 2331 et seq.) and rules prescribed thereunder. (Public Act 84-474). Completion of the vision and hearing screening data section of the Certificate of Child Health Examination is optional.
- g) If the vision and hearing screening data section is completed, it shall be completed with information provided by the vision and hearing screening personnel certified by the Department DPH or from qualified medical or other professional specialists.

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- h) If the student is required to have a sports physical that coincides in the year that coincides with the child health examination requirement, the Child Health Examination form may be accepted as proof of examination for interscholastic sports, if the statement regarding participation in interscholastic sports is completed by the examiner.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 665.210 Proof of Immunizations

Every child shall present, on or about the same time as he/she receives a health examination, proof to the local school authority of having received such immunizations as the Illinois Department of Public Health shall require in Section 695.10 of the School Child Immunization Code (77 Ill. Adm. Code 695) by current rules.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 665.220 Local School Authority

Local school authority is defined as that person having ultimate control and responsibility for any public, private/independent and/or parochial elementary or secondary school or attendance center or nursery school operated by an elementary or secondary school or institution of higher learning.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 665.230 School Entrance

- a) Every child, prior to entering any public, private/independent or parochial school in Illinois shall present to that school proof of immunity against:
 - 1) Diphtheria
 - 2) Pertussis
 - 3) Tetanus
 - 4) Poliomyelitis
 - 5) Measles
 - 6) Rubella
- b) The health care provider verifying the administration of the required immunization shall record as indicated on the Certificate of Child Health Examination that the immunizations were administered.
- c) Any child who does not submit proof of having protection by immunity as required must receive the needed vaccine. If for medical reasons one or more of the required immunizations must be given after the date of entrance of the current school year, a schedule for the administration of the immunizations and a statement of the medical reasons causing the delay must be signed by the health care provider who will administer the needed immunizations and be kept on file at the local school.

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- d) All children currently enrolled in Illinois who are susceptible to mumps, must show proof of immunity prior to enrolling for school year ~~1987-1988~~.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 665.240 Basic Immunization

a) Diphtheria, Pertussis, Tetanus

- 1) Any child 5 years of age or younger entering school for the first time must show proof (dates; see Section 665.250(b)) of having received four or more doses of Diphtheria, Pertussis, Tetanus (DPT) with the last dose being a booster and having been received on or after the 4th birthday but prior to school entrance; or within one year prior to school entrance. Individual doses in the series must have been received no less than four weeks apart.
- 2) Any child 6 years of age or older must show proof (dates; see Section 665.250(b)) of receiving three or more doses of DPT or Tetanus, Diphtheria (Td) with the last dose being a booster and having been received on or after the 4th birthday. Individual doses in the series must have been received no less than four weeks apart.
- 3) If 10 years have elapsed since the last booster, an additional booster is required.

b) Polio

- 1) Any child 5 years of age or younger entering school for the first time must show proof (dates; see Section 665.250(b)) of having received three or more doses of Trivalent oral Polio Vaccine (TOPV) with the last dose being a booster and having been received on or after the 4th birthday but prior to school entrance. Individual doses in the series must have been received no less than six weeks apart.
- 2) Any child 6 years of age or older must show proof (dates; see Section 665.250(b)) of receiving three or more doses to TOPV with the last dose being a booster and having been received on or after the 4th birthday. Individual doses in the series must have been received no less than six weeks apart.
- 3) A series of inactivated polio virus vaccine (IPV) and appropriate boosters may, for an individual, be substituted for vaccination with TOPV at the direction of a physician.

c) Measles

- 1) Children who have had measles or have been immunized with one dose of live measles virus vaccine at 15 months of age or older, or children who have had two doses of live measles virus vaccine, the first dose at least 12 months of age and

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the second dose no less than 1 month after the first, shall be considered protected and in compliance.

- 2) Children entering the 5th grade for the first time after July of 1990, entering the 9th grade for the first time after July of 1991, and entering at any grade level after July of 1993, will be required to show evidence of having received two doses of live measles virus vaccine, the first dose at least 12 months of age and the second dose no less than 1 month after the first or other proof of immunity described in this Part.
 - 3) Any child two years of age or older who is entering at a grade level in which evidence of two doses of live measles virus vaccine is not required, shall show proof (dates; see Section 665.250(b)) of receiving measles vaccine at 15 months of age or older. Immunization at 12 months of age or older is acceptable for those students who entered kindergarten or first grade prior to the 1981-1982 school year. Proof (dates) of disease, if verified by a physician licensed to practice medicine in all of its branches, may be substituted for proof of vaccination (see Section 665.250(c)). See Section ~~665.250(e)~~.
 - 4) If immunization was received prior to 1968, proof must be provided that a live virus vaccine was given.
 - 5) For students attending school programs where grade levels are not assigned, proof of two doses of live measles virus vaccine as described in (c)(2) shall be submitted prior to the school year in which the child reaches the ages of 5, 10, and 15.
- d) Rubella, Mumps
- 1) All children 2 years of age or older entering school at any grade level must show proof (dates; see Section 665.250(b)) of receiving rubella vaccine on or after the 1st birthday. Proof of disease is not acceptable unless laboratory evidence is presented with blood titer of 1:16 (or equivalent titer) or greater.
 - 2) Any child, two years of age or older, entering at any grade level must show proof (dates; see Section 665.250(b)) of receiving mumps vaccine at 12 months of age or older. Proof (dates) of diseases if verified by physician licensed to practice medicine in all of its branches, may be substituted for proof of vaccination.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 665.280 Physician Statement of Immunity

A physician licensed to practice medicine in all of its branches, who believes a child to be protected against a disease for which immunization is required may so indicate in writing, stating the reasons, and certify that he/she believes the specific immunization in question is not necessary or indicated. Such a statement should be attached to the child's school health record and accepted as satisfying the medical

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exception provision of the regulation for that immunization. These statements of lack of medical need will be reviewed by the ~~Illinois~~ Department of ~~Public Health~~ with appropriate medical consultation. After review, if a student is no longer considered to be in compliance, the student is subject to the exclusion provision of the law.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART C: VISION AND HEARING SCREENING

Section 665.310 Vision and Hearing Screening

Vision and hearing screening tests shall be conducted in accordance with the present rules of the ~~Illinois~~ Department of ~~Public Health~~.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 665.420 Dental Examination

a) If a dental examination is performed, it shall be conducted with one year:

- 1) Prior to the date of ~~e~~ntering ~~s~~chool (nursery school, special education, head start programs, operated by elementary school systems or secondary level school units or institutions of higher learning; and students transferring into Illinois schools from out-of-state or out-of-country);
- 2) Prior to the day of entering ~~k~~Kindergarten or / ~~f~~First grade;
- 3) Prior to the date of entering the fifth grade; and
- 4) ~~And again~~ Prior to the date of entering the ninth grade.
- 5) For students attending school programs where grade levels are not assigned examinations shall be completed prior to the date of entering and within one year prior to the age of 5, 10 and 15 ~~14~~.

b) Additional dental examinations of students may be required when deemed necessary by school authorities.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 665.430 Dental Examination Record

If performed, the dental examination shall be recorded on the Dental Examination Record prescribed by the ~~Illinois~~ Department of ~~Public Health~~ for statewide use and presented to the local school authority. The Dental Examination Record is the prescribed form by the ~~Illinois~~ Department of ~~Public Health~~.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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SUBPART E: EXCEPTIONS

Section 665.510 Objection of Parent or Legal Guardian

Parent or legal guardian of a student may object to health examinations, immunizations, vision and hearing screening tests, and dental health examinations for their children on religious grounds. If a religious objection is made, a written and signed statement from the parent or legal guardian detailing such objections must be presented to the local school authority. General philosophical or moral reluctance to allow physical examinations, immunizations, vision and hearing screening, and dental examinations will not provide a sufficient basis for an exception to statutory requirements. The parent or legal guardian must be informed by the local school authority of measles outbreak control exclusion procedures in accordance with per the Department's ~~IDPH~~ rules. ~~The~~ Control of Communicable Diseases Code (77 Ill. Adm. Code 690) at the time such objection is presented.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART F: VISION EXAMINATION

Section 665.610 Vision Examination Recommendation

It is recommended, but not required, that a vision examination including ophthalmology and subjective refraction be performed on public, private/independent, and parochial school students by physicians licensed to practice medicine in all of its branches pursuant to The Medical Practice Act of 1987, (Ill. Rev. Stat. 1991~~87~~, ch. 111, par. 4400-1 et seq.) or an licensed optometrist licensed pursuant to: The Illinois Optometric Practice Act of 1987, (Ill. Rev. Stat. 1991~~87~~, ch. 111, par. 3901 et seq.).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 665.620 Vision Examination

If a vision examination is performed, it shall not be performed in the place of, or rather than performing vision screening, and shall be conducted within one year:

- a) Prior to the date of entering kindergarten or / first grade;
- b) Prior to the date of entering the fifth grade; and
- c) ~~And again~~ Prior to the date of entering the ninth grade;
- d) For students attending school programs where grade levels are not assigned, examinations shall be completed prior to the date of entering and within one year prior to the ages of 5, 10 and 15 ~~14~~.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 665.630 Vision Examination Report

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1) The Heading of the Part:

Control of Sexually Transmissible Diseases Code

2) Code Citation:

77 Ill. Adm. Code 693

3) Section Numbers:693.15
693.20Proposed Action:Amendment
Amendment4) Statutory Authority:The Illinois Sexually Transmissible Diseases Control Act (Ill. Rev. Stat. 1991, ch. 111
1/2, par 7401 et seq.)5) A Complete Description of the Subject and Issues Involved:

This rulemaking amends existing Department rules concerning the definition of a case of AIDS to reflect the newly effective revised CDC definition. The AIDS Registry Act specifies that AIDS cases in Illinois are to be defined as per the CDC. The revised HIV/AIDS classification system and expanded AIDS surveillance case definition were published in the December 18, 1992 supplement to the Morbidity and Mortality Weekly Report (MMWR). Under the new definition, adults and adolescents with documented HIV infection who have CD4+ T-lymphocyte counts less than 200 cubic millimeters or a CD4+ percent less than 14 will be reportable as AIDS cases. In addition to the 23 clinical conditions in the 1987 case definition, all persons with documented HIV infection and any of the following conditions will be AIDS-defining: pulmonary tuberculosis; recurrent pneumonia (within a twelve month period); or invasive cervical cancer. The expanded definition is expected to increase reported cases of AIDS in Illinois by as much as 75 percent in the first year.

The economic effect of these amendments is unknown. Therefore, the Department requests any information that would assist in calculating this effect.

6) Will this Rulemaking Replace an Emergency Rule Currently in Effect?Yes ☒ No ☐7) Does this Rulemaking Contain an Automatic Repeal Date?Yes ☐ No ☒

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8) Does this Rulemaking Contain any Incorporations by Reference?Yes ☐ No ☒9) Are there any other Proposed Amendments Pending on this Part?Yes ☐ No ☒If yes:Section Numbers Proposed Action Ill. Reg. Citation10) Statement of Statewide Policy Objectives:

All state and local entities reporting AIDS cases to the CDC are required to use the CDC definition of AIDS.

11) Time, Place, and Manner in which Interested Persons May Comment on this Rulemaking.

Interested persons may present their comments concerning these rules by writing to Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, within 45 days after this issue of the Illinois Register

These rules may have an impact on small businesses. In accordance with Sections 3.01 and 4.03 of the Illinois Administrative Procedure Act, any small business may present their comments in writing to Gail M. DeVito at the above address.

Any small business (as defined in Section 3.10 of the Illinois Administrative Procedure Act commenting on these rules shall indicated their status as such in their comments

12) Initial Regulatory Flexibility Analysis.

A) Date Rulemaking was Submitted to the Business Assistance Office of the Department of Commerce and Community Affairs

B) Type of Small Businesses Affected

Local health departments, physician's offices, hospitals

C) Reporting, Bookkeeping or Other Procedures Required for Compliance

Submittal of AIDS case report form

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D) Types of Professional Skills Necessary for Compliance:

Nursing or medical records background.

The full text of the Proposed Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER K: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 693

CONTROL OF SEXUALLY TRANSMISSIBLE DISEASES CODE

Section

693.10

Definitions

693.15

Incorporated Materials

693.20

Reportable STDs and Laboratory Results

693.30

Reporting

693.35

Fines and Penalties

693.40

Contact Interview and Investigation

693.45

Notification of Health Care Contacts

693.50

Physical Examination and Medical Treatment for Syphilis, Gonorrhea, Chlamydia

693.60

Isolation for Syphilis, Gonorrhea, Chlamydia

693.70

Counseling and Education for AIDS and HIV

693.80

Isolation for AIDS and HIV

693.90

Quarantine

693.100

Confidentiality

693.110

Examination and Treatment of Prisoners

693.120

Certificate of Freedom from STDs

693.130

Treatment of Minors

693.140

Control Measures

AUTHORITY: Implementing and authorized by Illinois Sexually Transmissible Disease Control Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 7401 et seq.) and "AN ACT in relation to public health" (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 22 and 22.04).

SOURCE: Adopted at 12 Ill. Reg. 10097, effective May 27, 1988; amended at 15 Ill. Reg. 11686, effective August 15, 1991; emergency amendment at 15 Ill. Reg. 16462, effective October 28, 1991 for a maximum of 150 days; amended at 16 Ill. Reg. 5921, effective March 30, 1992; emergency amendment at 17 Ill. Reg. 1213, effective January 7, 1993, for a maximum of 150 days; amended at 17 Ill. Reg., effective _____.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE OR PARAPHRASE THEREOF.

Section 693.15 Incorporated Materials

The following materials are incorporated or referenced in this Part:

- a) Illinois Statutes

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- 1) "Illinois Sexually Transmissible Disease Control Act" (Ill. Rev. Stat. 1991-89, ch. 111 1/2, par. 7401 et seq., as amended by P.A. 87-763, effective October 4, 1991).
- 2) The "Department of Public Health Act" (Ill. Rev. Stat. 1991 4989 and 1990 Supp., ch. 111 1/2, pars. 22 and 22.04).
- 3) The "Consent by Minors to Medical Procedures Act" (Ill. Rev. Stat. 1991-89 and Supp., ch. 111, par. 4501 et seq. in particular par. 4504).

b) Illinois Rules

- 1) AIDS Confidentiality and Testing Code (77 Ill. Adm. Code 697), (See Sections 693.30 (b)(1), 693.30 (d) and (h) and 693.100 (b)(4) and (5) of this Part)
- 2) Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100) (See Section 693.35 of this Part).
- 3) Program Standards for Local Health Departments (77 Ill. Adm. Code 615) (See Section 693.40 (c)(7) of this Part).

c) Other Codes, Guidelines and Standards

- 1) "Revision of the CDC Surveillance Case Definition for Acquired Immunodeficiency Syndrome", Centers for Disease Control (CDC) Mortality and Morbidity Weekly Report (MMWR) Supp. December 18, 1992, 41(RR17), 4987-4644-45; Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333.
- 2) "AIDS Confidential Case Report" a form prepared by the Centers for Disease Control, Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333, Office of Management and Budget (OMB) No 0920-0009.
- 3) "Recommendations for Prevention of HIV Transmission in Health-Care Settings" (Centers for Disease Control, MMWR 1987, vol. 36, Supp. no. 25, pages 35-185)
- 4) Joint Advisory Notice, Department of Labor/Department of Health and Human Services, HBV/HIV, Federal Register, Vol. 52, No. 210, pp. 41818-41823, October 30, 1987 (See Section 639.140)
- 5) "Recommendations for Preventing Transmission of Human Immunodeficiency Virus and Hepatitis B virus to Patients During Exposure-Prone Invasive

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Procedures" (Centers for Disease Control, Morbidity and Mortality Weekly Report (MMWR), vol. 40, no. RR-8, July 12, 1991).

- d) All citations to federal regulations in this Part concern the specified regulations in the 1990 Code of Federal Regulations, unless another date is specified.
- e) All incorporations by reference of federal regulations or standards and the standards of nationally recognized organizations refer to the regulations and standards on the date specified and do not include any additions or deletions subsequent to the date specified.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 693.20 Reportable STDs and Laboratory Results

- a) The Department has determined that the following shall be considered reportable STDs:

- 1) Acquired Immunodeficiency Syndrome (AIDS), as defined by the Centers for Disease Control of the United States Public Health Service, in "Revision of the CDC Surveillance Case Definition for Acquired Immunodeficiency Syndrome", Centers for Disease Control, MMWR Supp. December 18, 1992, 41(RR17), 4987-4644-45; Public Health Service, U.S. Department of Health and Human Services, Atlanta, Georgia 30333

- 2) HIV Infection (See Section 693.10 for a definition).

- 3) Syphilis,

- 4) Gonorrhea,

- 5) Chlamydia.

- b) The Department has determined that the following shall be considered reportable STD laboratory results.

- 1) A serologic test for antibodies to the human immunodeficiency virus (HIV), which is reactive on two or more enzyme-linked immunosorbent assay (ELISA) tests and on one confirmatory Western blot assay test or Indirect Fluorescent Antibody Test (See 77 Ill. Adm. Code 697.100(b)).

- 2) A serologic test for syphilis, either presumptive or confirmatory, which is weakly reactive, reactive, or positive.

- 3) A test for gonorrhea or chlamydia, such as the smear, culture or ELISA test, which is reactive or positive

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(Source: Amended at 17 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Board of Appeals2) Code Citation: 86 Ill. Adm. Code 2103) Section Numbers: Proposed Action:

210.101	Amendment
210.105	Amendment
210.110	Amendment
210.115	Amendment
210.120	Amendment
210.125	Amendment
210.126	New Section
210.130	Amendment

4) Statutory Authority: Ill. Rev. Stat. 1991, ch. 127, pars. 39b20, 39c and 39c-4 as added by P.A. 87-1246 [20 ILCS 2505/39b20, 2505/39c and 2505/39c-4]5) A Complete Description of the Subjects and Issues Involved: This rulemaking amends the rules of the Board of Appeals in response to P.A. 87-1246 to set forth the policies and procedures of the Board relative to the Voluntary Disclosure program. Section 39c-4 of the Civil Administrative Code provides that in the case of a failure to file a return required by law that is voluntarily disclosed to the Department in accordance with that Section, the tax may be assessed no more than 4 years after the original due date of each return required to have been filed. In addition to amendments required to implement P.A. 87-1246 the Board rules are proposed for amendment to update Board policies.6) Will this proposed rule replace an emergency rule currently in effect:
Yes.7) Does this rulemaking contain an automatic repeal date? No8) Does this proposed amendment contain incorporations by reference?
No.9) Are there any other proposed amendments pending on this Part: No.10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate. Neither does it modify an existing mandate.11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

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Keith Staats
Staff Attorney
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 785-8256

12) Initial Regulatory Flexibility Analysis:

- A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs: February 22, 1993
- B) Types of small businesses affected: Any small business responsible for the payment or collection of taxes.
- C) Reporting, bookkeeping or other procedures required for compliance: None.
- D) Types of professional skills necessary for compliance: No professional skills needed for compliance.

The full text of the Proposed Amendment(s) begins on the next page:

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TITLE 86: REVENUE
CHAPTER I: DEPARTMENT OF REVENUE
PART 210
BOARD OF APPEALS

Section	Filing of Written Petition
210.101	Hearings
210.105	Recommendations
210.110	Offers In Compromise
210.115	Waiver of Penalty and Interest
210.120	Denial by Lapse of Time
210.125	Voluntary Disclosure
210.126	Departmental Controversies
210.130	Decisions of the Board
210.135	

AUTHORITY: Implementing and authorized by Section 39b20, 39c and 39c-4 of the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, pars. 39b20, 39c and 39c-4, as amended by P.A. 87-1246) [20 ILCS 2505/39b20, 2505/39c and 2505/39c-4].

SOURCE: Adopted at 5 Ill. Reg. 5348, effective April 30, 1981; codified at 6 Ill. Reg. 801, effective January 5, 1982; amended at 13 Ill. Reg. 6782, effective April 12, 1989; amended at 13 Ill. Reg. 6782, effective April 12, 1989; emergency amendments at 17 Ill. Reg. 665, effective January 1, 1993, for a maximum of 150 days; amended at — Ill. Reg. —, effective —, effective —.

Section 210.101 Filing of Written Petition

A review before the Board of Appeals (Board) shall be commenced by the filing of a written petition. Except as provided in Section Sections 210.126 and 210.130, no petition shall be filed prior to the time ~~not more than 180 days after~~ a notice of deficiency or notice of tax liability has become final. A notice of deficiency or notice of tax liability is final when all administrative hearings and proceedings in court to review such assessment have terminated or the time for the taking thereof has expired without such proceedings being instituted. The petition shall be filed in a form prescribed by the Board and shall identify the taxpayer, briefly state the facts of the case, specify the relief requested and the reasons therefor. A memorandum of law may be appended. No other pleading shall be filed.

(Source: Amended at — Ill. Reg. —, effective —)

Section 210.105 Hearings

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Any relevant factual matter may be determined by the Board informally. If necessary to adequately develop the facts alleged to be grounds for relief, a formal hearing by a hearing officer, a Board Member, or the full Board may be held.

(Source: Amended at ____ Ill. Reg. _____, effective ____)

Section 210.110 Recommendations

No relief may be recommended to the Director except by affirmative vote of at least 2 Board Members.

(Source: Amended at ____ Ill. Reg. _____, effective ____)

Section 210.115 Offers in Compromise

a) A petition in the nature of an offer in compromise may be filed by the taxpayer. The only grounds for relief that may be propounded is uncertainty as to collectibility. No such petition may be filed prior to an assessment of tax liability becoming final.

b) "An offer in compromise" is defined as a proposal by taxpayer to pay a sum certain in full satisfaction to taxpayer's unpaid amount of tax (including penalty and interest).

c) In considering taxpayer's proposal to pay a sum certain, the Board may examine taxpayer's likelihood of collection of the amount due by the Department.

(Source: Amended at ____ Ill. Reg. _____, effective ____)

Section 210.120 Waiver of Penalty and Interest

a) A petition for abatement of a penalty or interest may be filed only in cases where the Department has no other established procedure of determination of the issue.

b) The Board may waive penalty or interest only in the following situations:

- 1) A late filing due to Reasonable Cause; or
- 2) Unreasonable delays caused by the Department in any process under the control of the Department; or
- 3) A timely payment has been made to the Department by a person other than the person who is actually liable for the tax; or

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4) Where the Board has taken special jurisdiction over a case pursuant to Section 210.130, or

5) Where otherwise provided for by statute.

c) If the taxpayer exercised ordinary business care and prudence and was nevertheless unable to file the return within the prescribed time, the delay is due to a reasonable cause.

d) The Board may consider taxpayer's compliance history including previous tax violations with the Department in considering taxpayer's petition for relief based on reasonable cause.

(Source: Amended at ____ Ill. Reg. _____, effective ____)

Section 210.125 Denial by Lapse of Time

If no action is taken by the Board and written notice thereof mailed within 60 365 days after the date of filing, the petition is deemed denied.

(Source: Amended at ____ Ill. Reg. _____, effective ____)

Section 210.126 Voluntary Disclosure

a) Statutory authority. Section 39c-4 of the Civil Administrative Code of Illinois, as added by P.A. 87-1246, sets forth limitation periods for the assessment of taxes by the Illinois Department of Revenue (Department). In the case of a failure to file a return required by law that is voluntarily disclosed to the Department in accordance with this Section, the tax may be assessed no more than 4 years after the original due date of each return required to have been filed (Section 39c-4 of the Civil Administrative Code of Illinois, Ill. Rev. Stat. 1991, ch. 127, par. 39c-4, as added by P.A. 87-1246 [20 ILCS 2505/39c-4]).

b) Taxpayers must voluntarily come forward and disclose. In order for the statute of limitations to be limited to no more than four years under Illinois law, a taxpayer must voluntarily come forward and disclose its liability to the Board of Appeals. A taxpayer has and voluntarily come forward and disclosed its liability to the Board when it has done the following:

- 1) Taxpayer must file an application for voluntary disclosure. Taxpayer must file an application for voluntary disclosure (Application) in a form prescribed by the Board, prior to the date the Department of Revenue has initiated an audit or investigation of the taxpayer. The Application is not

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accepted by the Board until it has been approved and signed by a Board member. A Board member may not sign the Application until the Department has notified the Board that the Department had not initiated an audit or investigation of taxpayer, as those terms are defined in subsection (c)(1), prior to the filing date of taxpayer's Application with the Board. The filing date of taxpayer's Application with the Board is the date the Application is received by the Board. Once a Board member has signed the Application, the Board will furnish taxpayer with a copy of the executed Application.

2) Taxpayer must file returns and pay liability. Once taxpayer has received a copy of the executed Application, taxpayer must file Illinois tax returns for the tax being disclosed for the last four years with the Board and pay all tax, penalty and interest (except for those amounts for which taxpayer is petitioning the Board seeking relief) within thirty days from the Board of Appeals member's Signature Date (Signature Date). The Board of Appeals member's Signature Date is the date the Board member signs the Application. Taxpayer's determination of its tax liability, including the methodology used by taxpayer, must be documented and in a manner reviewable by the Department. A taxpayer who maintains that it was not required to file returns and pay tax for the entire four years shall file returns and pay tax for the period that it maintains it was required to do so under Illinois law. In addition, taxpayer will provide in its petition to the Board its reasons why it maintains it does not owe tax for the entire voluntary disclosure period (immediately preceding four years). The Board will determine the number of years (up to the four year maximum) taxpayer is subject to Illinois tax under voluntary disclosure. The Board will notify taxpayer of its decision. Taxpayer will file returns and pay tax for the number of years (up to four years maximum) the Board has determined taxpayer is subject to tax under voluntary disclosure. Taxpayer will file any additional returns and pay any additional liability owed within 60 days from the date of notification to the taxpayer. The date of notification is the date shown on the notification sent to the taxpayer by the Board.

3) Taxpayer may file petition with tax returns. Taxpayers, who in addition to seeking the four year statute of limitations, are requesting additional relief from the Board, must file a petition within 30 days from the Signature Date in the manner prescribed by Section 210.101. Taxpayers

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shall file their petition with the Board concurrently with their tax returns for the voluntary disclosure period to the address designated by the Board.

c) Disqualification from voluntary disclosure. A taxpayer does not qualify for voluntary disclosure if:

1) The Department has initiated an audit or investigation. It is established that the Department had, prior to the date taxpayer filed its Application with the Board, initiated an audit or investigation of the taxpayer.

A) Initiated an audit. The Department has initiated an audit of the taxpayer if, at a minimum:

i) The Audit Bureau of the Department has contacted the taxpayer by telephone to schedule an appointment to audit taxpayer for the particular Illinois tax type being disclosed, or

ii) The Audit Bureau of the Department has contacted the taxpayer in writing regarding a possible tax liability or a notice of intent to audit for the particular Illinois tax type being disclosed.

B) Initiated an investigation. The Investigations and Prosecutions Bureau of the Department has initiated an investigation of a taxpayer if, at a minimum, the Department has opened a criminal investigation file on the taxpayer.

C) Partnerships. Once the Department has initiated an audit or investigation of a partnership or a general partner of the partnership, the Department is deemed to have initiated an audit or investigation of the partnership and all partners of that partnership with respect to the liability from such partnership for purposes of qualifying for voluntary disclosure.

2) Taxpayer does not file returns. Taxpayer does not file tax returns within thirty days from the Signature Date.

3) Taxpayer does not pay tax liability. Taxpayer does not pay all tax, penalty and interest (except for those amounts which taxpayer is seeking relief from the Board) within thirty days from the Signature Date.

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- 4) Taxpayer does not comply with Board Order. Taxpayer does not comply with the Board's Order regarding taxpayer's petition seeking relief.
- 5) Taxpayer does not begin prospective compliance. Taxpayer must begin prospective compliance with Illinois tax law as a part of voluntary disclosure. Taxpayer has begun prospective compliance when taxpayer has made a good faith effort to comply with Illinois tax law. This would include prospectively filing all returns that are due, paying the tax liability owed, registering with the Department and begin remitting all taxes collected.
- 6) Taxpayer has not remitted all taxes collected for the Illinois tax type being disclosed as part of voluntary disclosure. Taxpayer must remit all taxes (and interest) previously collected for all periods by taxpayer for the Illinois tax type being disclosed as part of taxpayer's voluntary disclosure with the Department. This includes periods beyond the four-year limitation for which the taxes were collected but not remitted. Failure to remit all taxes (and interest) previously collected for the Illinois tax type being disclosed will disqualify taxpayer from the relief provided under Voluntary Disclosure.

- d) Extensions. Taxpayer may request in writing, before the expiration of the 30-day period, an automatic 60-day extension in order to file its petition, tax returns or make payment. Taxpayer may request in writing, before the expiration of any extension, a further extension in order to file its petition, tax returns or make payment. The Board, in its discretion, may grant an additional extension where taxpayer's facts warrant a further extension of time in order to comply with the Board's filing requirements.

- e) The Department retains the right to audit taxpayer and verify accurate reporting. The Department shall retain the right to audit taxpayer for all open years of the voluntary disclosure period and assess all tax, penalty and interest that is owed by taxpayer. Taxpayer will not qualify for the relief provided under Voluntary Disclosure where the Department finds that taxpayer understated its final tax liability to the Board by 10% or more and taxpayer cannot demonstrate to the Department that a good faith effort was made to accurately report its liability for the voluntary disclosure period.

(Source: Added at ____ Ill. Reg. _____, effective _____)

Section 210.130 Departmental Controversies

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

- a) The Board may review other departmental controversies only:
 - 1) after a special finding concurred in by the entire Board that action by the Board is the most efficient and expeditious manner of resolving the controversy; or
 - 2) on the order of the Director of Revenue.
- b) Departmental controversies include cases that are currently pending in the Department's Administrative Hearings Division or in the Courts where both the Department's General Counsel and the taxpayer request that the Board take special jurisdiction of the case.

(Source: Amended at ____ Ill. Reg. _____, effective _____)

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Savings Bank Act2) Code Citation: 38 Ill. Adm. Code 10753) Section numbers Proposed Action

1075.1100	Amendment
1075.1125	Amendment
1075.1700	New Section
1075.1710	New Section
1075.1800	New Section
1075.1805	New Section
1075.1810	New Section
1075.1815	New Section
1075.1820	New Section
1075.1825	New Section
1075.1830	New Section
1075.1835	New Section
1075.1840	New Section
1075.1845	New Section
1075.1850	New Section
1075.1855	New Section
1075.1860	New Section
1075.1865	New Section
1075.1870	New Section
1075.1875	New Section
1075.1880	New Section
1075.1885	New Section
1075.1890	New Section
1075.1895	New Section
1075.1900	New Section
1075.1905	New Section
1075.1910	New Section
1075.1915	New Section
1075.1920	New Section
1075.1925	New Section
1075.1930	New Section
1075.1935	New Section
1075.1940	New Section
1075.1945	New Section
1075.1950	New Section
1075.1955	New Section
1075.1960	New Section
1075.1965	New Section
1075.1970	New Section
1075.1975	New Section
1075.1980	New Section
1075.1985	New Section

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED AMENDMENTS

Section numbers Proposed Action

1075.1990	New Section
1075.1995	New Section
1075.2000	New Section
1075.2005	New Section
1075.2010	New Section
1075.2015	New Section
1075.2020	New Section
1075.2025	New Section
1075.2030	New Section
1075.2035	New Section
1075.2040	New Section
1075.2045	New Section
1075.2050	New Section
1075.2055	New Section
1075.2060	New Section
1075.2065	New Section
1075.2070	New Section
1075.2075	New Section
1075.2080	New Section
1075.2085	New Section
1075.2090	New Section
1075.2095	New Section
1075.2100	New Section
1075.2105	New Section
1075.2110	New Section
1075.2115	New Section
1075.2120	New Section
1075.2125	New Section
1075.2130	New Section
1075.2135	New Section
1075.2140	New Section
1075.2145	New Section
1075.2150	New Section
1075.2155	New Section
1075.2160	New Section
1075.2165	New Section
1075.2170	New Section
1075.2200	New Section
1075.2210	New Section
1075.2220	New Section
1075.2230	New Section
1075.2240	New Section
1075.2300	New Section
1075.2310	New Section
1075.2320	New Section
1075.2330	New Section

NOTICE OF PROPOSED AMENDMENTS

Section numbers Proposed Action

1075.2340 New Section
 1075.2350 New Section
 1075.2360 New Section
 1075.2370 New Section
 1075.2380 New Section
 1075.2390 New Section
 1075.2400 New Section
 1075.2410 New Section
 1075.2420 New Section
 1075.2430 New Section
 1075.2440 New Section
 1075.2450 New Section
 1075.2460 New Section
 1075.2500 New Section
 1075.2510 New Section
 1075.2520 New Section
 1075.2530 New Section
 1075.2540 New Section
 1075.2550 New Section
 1075.2560 New Section
 1075.2570 New Section
 1075.2580 New Section

4) Statutory Authority: Authorized by the Savings Bank Act, (205 ILCS 1001 et seq.) (Ill. Rev. Stat., 1991, ch. 17, pars. 7301-1 et seq.).

5) A Complete Description of the Subjects and Issues Involved: The rules in this Part implement the Savings Bank Act WHICH creates a fee schedule to fund the staff time necessary to review these extensive submissions. Fees were based on fee levels charged by similar thrift regulatory agencies to perform similar reviews and analyses.

Section 1075.1425 is amended to provide an exception for publicly traded or listed financial institutions. It allows them to schedule, call and hold only one stockholders' meeting to obtain approval of a plan of conversion to State savings bank charter prior to submission of the plan to the Commissioner. Such institutions are said to incur greater expense in holding stockholders' meeting (because of the detailed notice and proxy requirements). The approval is required because the institution is proposing to convert to a different type of financial institution. Any substantive changes in the plan of conversion would trigger a second meeting.

NOTICE OF PROPOSED AMENDMENTS

Subpart N has been added to prescribe the procedure by which a person or entity, with the Commissioner's approval, may gain control of a State savings bank. The Subpart also describes types of provisions related to the purchase and sale of capital stock that a State savings bank may, with the Commissioner's approval, include in its articles of incorporation.

Subpart O prescribes the procedure for converting a State savings bank from mutual form of ownership to stock form of ownership. It sets forth requirements related to: applications to convert; the plan to convert; approval of a plan to convert by members and the Commissioner; liquidation accounts; and subscriptions for the purchase, issuance, solicitation and ownership of capital stock. It also sets forth mutual to stock conversion requirements for savings banks that do not meet applicable capital requirements.

6) Will these proposed amendments replace an emergency rule currently in effect? No

7) Does this rulemaking contain an automatic repeal date? No

8) Do the proposed amendments contain incorporations by reference? No

9) Are there any other proposed amendments pending to this Part? No

10) Statement of Statewide Policy Objectives: A Statement of Statewide Policy Objectives does not apply to this rulemaking.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:

Interested persons may present their comments concerning these proposed amendments by writing to:

Jay R. Stevenson, Deputy Commissioner
 Office of the Commissioner of Savings &
 Residential Finance
 500 East Monroe, Suite 800
 Springfield, Illinois 62701-1509.
 (217) 782-6169

The Agency will consider all written comments it receives within 30 days after the publication of this Notice.

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED AMENDMENTS

12) Initial Regulatory Flexibility Analysis:

A) Date rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs:

February 11, 1993

B) Types of small businesses affected: These rules should not affect small businesses.

C) Reporting, bookkeeping or other procedures required for compliance: The reporting requirements are comparable to those required by banks and savings and loan associations, i.e. periodic examinations, annual audits, minimum net worth requirements higher than that required of savings and loan associations and monthly statements on financial safety and soundness.

D) Types of professional skills necessary for compliance: The proposed amendments do not require additional professional skills for compliance.

The full text of the Proposed Amendments begins on the next page.

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED AMENDMENTS

CHAPTER VIII: TITLE 38: FINANCIAL INSTITUTIONS
COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

PART 1075
SAVINGS BANK ACT

SUBPART A: FILINGS

Section	Filings
1075.100	Conditions
1075.110	Examination Fees
1075.120	Supervisory Fees
1075.130	Adjusted Supervisory Fees
1075.140	

SUBPART B: DEFINITIONS

Section	Definitions
1075.200	

SUBPART C: REPORTS

Section	Contracts
1075.300	Financial Reports
1075.310	

SUBPART D: OPERATIONS

Section	Capital Stock
1075.400	Minimum Capital Requirement
1075.410	Conflicting Federal Powers, Law and Regulations
1075.415	Advertising
1075.420	Maintenance of Records
1075.430	Business Plan
1075.440	Excess Insurance
1075.450	Vacancies in the Board of Directors
1075.455	Bond of Officers, Directors, Employees and Agents
1075.460	Indemnification of Officers, Directors, Employees and Agents
1075.465	

1075.470	Deceptively Similar Names
1075.480	Manner of Display of Annual Meeting Notice
1075.490	Procedures for Exercise of Dissenters Rights

SUBPART E: INVESTMENTS

Section	Prudent Person Rule
1075.500	Investment Underwriting Practice
1075.505	Discrimination and Redlining
1075.510	Loans Secured by Real Estate
1075.515	Construction Loans
1075.520	Mobile Home Financing
1075.525	

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED AMENDMENTS

Section
1075.530
1075.535
1075.540
1075.545
1075.550
1075.555
1075.560
1075.565
1075.570
1075.575
1075.580
1075.585

Overdraft Loans
Education Loans
Vehicle/Automobile Loans
Home Equity Loans
Letter of Credit
Other Investments
Commercial Paper
Financial Futures
Financial Options
Finance Leasing
Suretyship
Asset Reserves

SUBPART F: SERVICE CORPORATION

Section
1075.600
1075.610
1075.620
1075.630
1075.640
1075.650
1075.660
1075.670
1075.680

Requirements
Approval by the Commissioner
Investment Limitations
Investments by Service Corporations
Ownership of Capital Stock of Service Corporation
Prohibited Transactions
Disclosure to Service Corporation
Reporting Requirements
Audit Requirements

SUBPART G: RELOCATIONS AND BRANCHING

Section
1075.700
1075.705
1075.710
1075.715
1075.720
1075.725
1075.730

General
Application
Request for Preliminary Determination
Public Notice and Inspection
Protest
Oral Argument
Application for the Maintenance of Branch Office after Conversion, Consolidation, Purchase of Assets or Merger
Redesignation of Offices
Termination of Operation and/or Closing of a Branch Office
Agency Offices
Remote Drive-In and/or Remote Pedestrian Facilities

SUBPART H: CAPITAL NOTES AND DEBENTURES

Section
1075.800
1075.810
1075.820

Approval
Conversion to Stock
Priority of Claim

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED AMENDMENTS

SUBPART I: ADMINISTRATIVE HEARING PROCEDURES

Section
1075.900
1075.905
1075.910
1075.915
1075.920
1075.925
1075.930
1075.935
1075.940
1075.945
1075.950
1075.955

Applicability
Definitions
Early Neutral Evaluation
Conference Adjudicative Hearing
Filing
Form of Documents
Computation of Time
Appearances
Notice of Hearing
Service of the Notice of Hearing
Motion and Answer
Consolidation and Severance of Matters-Additional parties
Intervention
Postponement or Continuance of Hearing
Authority of Hearing Officer
Bias or Disqualification of Hearing Officer
Prehearing Conferences
Discovery
Subpoenas
Conduct of the Hearing
Default
Evidence
Official Notice
Hostile Witnesses
Transcription of Proceedings
Briefs
Hearing Officer's Findings, Opinions and Recommendations
Order of the Commissioner
Rehearings
Existing Statutory or Agency Procedures and Practices
Costs of Hearing
Emergency Adjudication

SUBPART J: SAVINGS BANK HOLDING COMPANIES

Section
1075.1100
1075.1105
1075.1110
1075.1115
1075.1120
1075.1125
1075.1130
1075.1135
1075.1140

Applicability
Plain Meaning/Strict Interpretation
Affiliate
Assets
Books of Record
Capital Stock
Charter
Control
Eligible Account Holder

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED AMENDMENTS

Section	
1075.1145	Eligibility Record Date
1075.1150	Employee
1075.1155	Equity Security
1075.1160	Insured Institution
1075.1165	Member
1075.1170	Net Worth
1075.1175	Officer
1075.1180	Person
1075.1185	Qualifying Deposit
1075.1190	Sale
1075.1195	Security
1075.1200	Source Documents
1075.1205	Subsidiary
1075.1210	Liquidation Account and Proxies
1075.1215	Mutual Holding Company Ceasing to be a Depository Institution
1075.1220	Directors of a Mutual Holding Company
1075.1225	Stock Sales
1075.1230	Stock of a Subsidiary of a Mutual Holding Company
1075.1235	Stock Subsidiary Formation
1075.1240	Net Worth Maintenance Agreement
1075.1245	Members' Rights
1075.1250	Investment
1075.1255	Notice Requirement/Corrective Action
1075.1260	Insider Abuses
1075.1265	Determination of the Qualification and Condition of an Out-of-State Acquisition
1075.1270	Disposal of a Subsidiary
1075.1275	Dividends
1075.1280	Officers and Directors List
1075.1285	Access to Books and Records
1075.1290	Annual Audit Requirements
1075.1295	Maintenance of Records
1075.1300	Notice of Appointment of Independent Accountants
1075.1305	Holding Company Filing Fees
1075.1310	Holding Company Supervisory Fees
1075.1315	Examination Fees
1075.1320	Conditions
1075.1325	Manner of Payment

SUBPART K: CONVERSION OF AN EXISTING DEPOSITORY INSTITUTION INTO AN ILLINOIS SAVINGS BANK

Section	
1075.1330	Scope of Rules
1075.1335	Definitions
1075.1340	General Rules for Conversion Plan
1075.1345	Approval and Filing of a Conversion Plan

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED AMENDMENTS

Section	
1075.1420	Conversion Plan Requirements
1075.1425	Vote by Shareholders and Depositors
1075.1430	Issuance of Certificate of Approval
1075.1435	Final Approval of the Conversion
1075.1440	Powers of Resulting Savings Bank
1075.1445	Obligations of Resulting Savings Bank
1075.1450	Directors of Resulting Savings Bank
SUBPART L: SUPERVISION	
1075.1500	Sale of Offices, Facilities and Equipment
1075.1510	Purchase of Offices
1075.1520	Bridge Charters
1075.1530	Unsafe and Unsound Practices
1075.1540	Failure to Comply with Report of Examination
1075.1550	Publication
SUBPART M: REMOVALS, SUSPENSIONS AND INDUSTRY-WIDE PROHIBITION	
1075.1600	Scope
1075.1610	Notice of Intention and Answer
1075.1620	Removal and Prohibition by Order
1075.1630	Suspension by Notice
1075.1640	Industry-wide Prohibition
1075.1650	Unauthorized Participation of Convicted Individuals
SUBPART N: ACQUISITION OF A CONTROL OF A SAVINGS BANK	
1075.1700	Acquisition of Control of a Savings Bank
1075.1710	Anti-Takeover Provisions
SUBPART O: CONVERSION OF MUTUAL SAVINGS BANK TO CAPITAL STOCK SAVINGS BANK	
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1075.1800	Subpart Exclusive -- Prohibition on Conversion
1075.1805	Approval -- Waiver of Requirements
1075.1810	Forms
1075.1815	Request of Noncompliance Requirement
1075.1820	Deficiency
1075.1825	Prohibition on Approval of Certain Conversion
1075.1830	Requirements of Plan of Conversion
1075.1835	Issuance of Capital Stock
1075.1840	Stock Purchase Subscription Rights
1075.1845	Holders
1075.1850	Stock Purchase Subscription Rights
1075.1855	Officers, Directors, and their Associates
1075.1860	Conversion

NOTICE OF PROPOSED AMENDMENTS

Section	
1075.1845	Supplemental Share Purchase Subscription Rights --
1075.1850	Supplemental Eligible Account Holder -- Conditions
1075.1855	Voting Members Who Are Not Eligible Account Holders
1075.1860	Sale of Shares Not Sold in Subscription Offering --
	Methods -- Conditions
1075.1865	Uniform Sales Price of Shares Required -- Application
	to Specify Arrangements on Sale of Shares Not Sold in
	Subscription Offering
1075.1865	Savings Account Holder to Receive Withdrawable Savings
	Account(s) -- Amount
1075.1870	Liquidation Account -- Establishment and Maintenance
	Required
1075.1875	Establishment of Eligibility Record Date Required
1075.1880	Voting Rights
1075.1885	Amendment and Termination of Plan of Conversion
1075.1890	Restriction on Sale of Shares of Stock by Directors and
	Officers
1075.1895	Conditions on Shares of Stock Subject to Restriction
	on Sale
1075.1900	Registration of Securities -- Marketing of Securities --
	- Listing of Shares on Securities Exchange or NASDAQ
	Quotation System
1075.1905	Reasonable Expenses Required
1075.1910	Employee Stock Benefit Plan -- Priority
1075.1915	Employee Stock Benefit Plan -- Contributions
1075.1920	Plan of Conversion -- Prohibited Provisions
1075.1925	Optional Provisions in Plan of Conversion
1075.1930	Approval of Other Provisions
1075.1935	Amount of Qualifying Deposit of Eligible Account Holder
	or Supplemental Eligible Account Holder
1075.1940	Liquidation Account -- Establishment Required -- Amount
	-- Function
1075.1945	Liquidation Account -- Maintenance Required --
	Subaccounts
1075.1950	Liquidation Account -- Distribution Upon Complete
	Liquidation
1075.1955	Liquidation Account -- Determination of Subaccount
	Balances
1075.1960	Reduction of Subaccount Balance
1075.1965	Converted Savings Bank Prohibited from Repurchasing its
	Stock Without Approval
1075.1970	Limitation on Cash Dividends
1075.1975	Dividends on Preferred Stock
1075.1980	Prohibitions on Offer, Sale, or Purchase of Securities
1075.1985	Acquisitions of Control of a Converted Savings Bank
1075.1990	Articles of Incorporation - Restrictions Permitted

NOTICE OF PROPOSED AMENDMENTS

Section	
1075.1995	Confidentiality of Consideration to Convert -- Remedial
	Measures for Breach
1075.2000	Public Statement Authorized
1075.2005	Adoption of Plan of Conversion -- Notice To and
	Inspection by Account Holders -- Statement and Letter --
	- Press Release Authorized
1075.2010	Statement, Letter and Press Release -- Content
	Permitted
1075.2015	Statement, Letter and Press Release - Contents
	Prohibited -- Inquiries
1075.2020	Notices of Filing of Application -- Requests for
	Subscription Offering Circular
1075.2025	Filing of Notice and Affidavit of Publication Required
1075.2030	Application Available for Public Inspection --
	Confidential Information
1075.2035	Solicitation of Proxies; Proxy Statements
1075.2040	Vote By Members
1075.2045	Offers and Sales of Securities -- Prohibitions
1075.2050	Distribution of Offering Circulars Authorized
	Preliminary Offering Circular for Subscription Offering
	-- Estimated Subscription Price Range Required
	Review of Price Information by Commissioner
1075.2060	Underwriting Commission
1075.2065	Consideration of Pricing Information by Commissioner --
1075.2070	- Guidelines
1075.2075	Submission of Information by Applicant
1075.2080	Subscription Offering -- Distribution of Order Forms
	for the Purchase of Shares
1075.2085	Order Forms -- Final Offering Circular and Detailed
	Instructions
1075.2090	Subscription Price
1075.2095	Order Form -- Contents
1075.2100	Order Form -- Additional Provision Authorized --
	Payment by Withdrawal
1075.2105	Time Period for Completion of Sale of All Shares of
	Capital Stock
1075.2110	Continuity of Corporate Existence
1075.2115	Application to Furnish Information
1075.2120	Additional Filing Requirements
1075.2125	Availability for Conferences in Advance of Filing of
	Application -- Refusal of Prefiling Review
1075.2130	Appeal from Refusal to Approve Application
1075.2135	Postconversion Reports
1075.2140	Certain Agreement to Transfer and Transfers of
	Ownership in Rights or Securities Prohibited
1075.2145	Certain Offers and Announcements on Securities
	Prohibited

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

NOTICE OF PROPOSED AMENDMENTS

Section	
1075.2150	Certain Offers and Acquisitions Prohibited
1075.2155	Definitions -- Certain Transfers, Offers and Acquisitions Prohibited
1075.2160	Amendments to Charter Required in Application -- Articles of Incorporation -- Filing of Certificate Required -- Contents -- Issuance and Filing of Authorization Certificate
1075.2165	Conversions Incident to Acquisition by Savings Bank Holding Company or Merger or Consolidation with Savings Bank Holding Company Subsidiary -- Restriction on Sale of Shares of Stock by Directors and Officers
1075.2170	Sale of Control in Connection with the Conversion of a Mutual Savings Bank to Capital Stock Savings Bank Application -- Application Requirements
1075.2200	Application -- Filing the Application and Fees
1075.2210	Application -- Preparing the Application
1075.2220	Application -- Application Contents
1075.2230	Application -- Application Exhibits
1075.2240	Proxy Statement -- Information Required in Conversion Proxy Statement
1075.2300	Proxy Statement
1075.2310	Proxy Statement -- Notice of Meeting
1075.2320	Proxy Statement -- Revocability of Proxy
1075.2330	Proxy Statement -- Persons Making the Solicitations
1075.2340	Proxy Statement -- Voting Rights and Vote Required for Approval
1075.2350	Proxy Statement -- Directors and Executive Officers
1075.2360	Proxy Statement -- Management Remuneration
1075.2370	Proxy Statement -- Business of the Applicant
1075.2380	Proxy Statement -- Description of the Plan of Conversion
1075.2390	Proxy Statement -- Description of Capital Stock
1075.2400	Proxy Statement -- Capitalization
1075.2410	Proxy Statement -- Use of New Capital
1075.2420	Proxy Statement -- New Charter, Bylaws, or Other Documents
1075.2430	Proxy Statement -- Other Matters
1075.2440	Proxy Statement -- Financial Statements
1075.2450	Proxy Statement -- Consents of Experts and Reports
1075.2460	Proxy Statement -- Attachments
1075.2500	Offering Circular
1075.2510	Offering Circular -- Certain Manner of Presentation of Required Information Prohibited
1075.2520	Offering Circular -- Certain Named Persons -- Filing of Written Consent Required
1075.2530	Offering Circular -- Information Required
1075.2540	Offering Circular -- Additional Current Information Required

COMMISSIONER OF SAVINGS AND RESIDENTIAL FINANCE

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Section	
1075.2550	Offering Circular -- Statement Required in Offering Circulars
1075.2560	Offering Circular -- Preliminary Offering Circular
1075.2570	Offering Circular -- Information with Respect to Exercise of Subscription Rights
1075.2580	Offering Circular -- Information with Respect to Public Offering or Direct Community Offering

AUTHORITY: Implementing and authorized by the Savings Bank Act (P.A. 86-1213, effective August 30, 1990) (205 ILCS 205 1001 et seq.) (Ill. Rev. Stat., 1991, ch. 17, pars. 7301-1 et seq.).

SOURCE: Emergency Rules Adopted at 14 Ill. Reg. 15029, effective September 4, 1990, for a maximum of 150 days; adopted at 15 Ill. Reg. 1916, effective January 25, 1991; amended at 16 Ill. Reg. 4891, effective March 16, 1992; amended at 17 Ill. Reg. _____, effective _____, 1993.

NOTE: Capitalization denotes statutory language.

SUBPART A: FILINGS**Section 1075.100 Filings**

Filings pertaining to matters named hereafter shall be subject to the indicated fee pursuant to the Savings Bank Act ("The Act") (205 ILCS 205 1001 et seq.) (Ill. Rev. Stat., 1991, ch. 17, pars. 7301-1 et seq.). (P.A. 86-1213, effective August 30, 1990). Such fee or fees shall be paid at the Commissioner's Office at the time of filing. Payment shall be by check, draft or money order made payable to the Commissioner of Savings and Residential Finance.

- a) Permit to Organize
(Section 3001 of The Act).....\$ 1,000.00
- b) Merger
(Section 8005 of The Act).....\$ 1,000.00
- c) Sale of Assets
(Section 8010 of The Act).....\$ 1,000.00
- d) Amendment to Articles of Incorporation providing for the Issuance of Permanent Reserve Shares (Section 5004 of The Act) (Section 1075.400 of this Part).....\$ 1,000.00
- e) Conversion from Savings Bank Charter to any Federal Charter (Section 8001 of The Act).....One (1) times

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NOTICE OF PROPOSED AMENDMENTS

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the last total annual Supervisory Fee calculated and assessed against the Savings Bank as set forth in Section 1075.130(a) and (b).

- f) Hearing or Oral Argument -- each applicant requesting a hearing or oral argument and/or each objector requesting a hearing or oral argument and/or each adversary participating in a hearing or oral argument (Section 9018 of The Act) (Sections 1075.725 and 1075.900 of this Part).....\$ 500.00

Each applicant requesting a hearing or oral argument and/or each objector requesting a hearing or oral argument and/or each adversary participating in a hearing or oral argument shall bear its pro rata share of all expense incurred in said proceedings.

- g) Application for Subsidiary Acquisition Fee (Section 2004 of The Act).....\$ 250.00
- h) Conversion from Mutual to Capital Stock Form of Ownership (Section 5004 of The Act) (Subpart O of this Part).....\$10,000.00

- i) Acquisition of Control of a Savings Bank (Section 5002, 5004 and 5006 of The Act) (Subpart N of this Part).....\$ 5,000.00

- j) Permission to Sell Capital Stock Purchased by a Director on Original Issue in a conversion from mutual to Stock Form of Ownership (Section 5004 of The Act) (Section 1075.1890(b)).....\$ 1,000.00

k) Photocopy and Duplication Fees

- | | |
|----------------------------------|-------|
| 1) Photocopies (Per Page).....\$ | .25 |
| 2) Savings Bank Act.....\$ | 25.00 |
| 3) Rules.....\$ | 25.00 |
| 4) Annual Report.....\$ | 25.00 |
| 5) Mailing Labels.....\$ | 35.00 |

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

SUBPART K: CONVERSION OF AN EXISTING DEPOSITORY INSTITUTION INTO
AN ILLINOIS SAVINGS BANK

Section 1075.1425 Vote by Shareholders and DepositorsMembers

- a) Shareholders and members shall vote on the conversion plan as follows:

- 1) The conversion plan shall not be submitted to eligible shareholders or eligible ~~depositors~~ members until the plan is approved by the Commissioner.

- 2) Notwithstanding subsection (a)(1) above, a converting institution, the stock of which is listed or traded on a securities exchange, including national or regional exchanges or the National Association of Securities Dealers Automated Quotation system (NASDAQ), may seek approval of the conversion plan by eligible shareholders prior to the Commissioner's approval of the plan. Shareholders shall be given notice that no plan may be effected without the Commissioner's approval. If the Commissioner finds that, after gaining shareholder approval, the plan has undergone any substantive change, the plan as changed must be approved by eligible shareholders.

- b) The voting record date for determining whether a shareholder or depositor is eligible to vote shall not be more than forty (40) days nor less than ten (10) days before the date such vote is taken.

- c) Upon application to the Commissioner and for good cause shown an applicant may dispense with mailed notice of the date of vote for conversion, to depositors and shareholders. In cases where notice is mailed to eligible depositors and shareholders, each mailed notice shall include at least, a summary statement of the Plan of Conversion, the proposed ballot or proxy and a copy of the proposed Articles of Incorporation. Each notice whether mailed, posted or published shall state the time, place and governing rules for the vote.

- d) Each person holding one or more withdrawable accounts entitling the holder to voting rights, shall have the vote of one share for each \$100.00 of aggregate withdrawable value of the accounts and shall have the vote of one share for any fraction of \$100.00; except

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that any member of a mutual institution chartered with "Federal Charter K Revised" may not cast more than 50 votes in keeping with the provisions of said charter.

- e) Each holder of capital stock held shall have one vote for each share held.
- f) Shares owned by the applicant depository institution shall not be counted or voted.
- g) Approval of a conversion plan shall require an affirmative vote by a majority of the votes cast by the applicant's eligible voters.

h) The converting depository institution must submit a certification by the presiding officer and/or secretary of the depository institution that the conversion plan and the revised Articles of Incorporation have been approved by the shareholders of the depository institution; together with the following information:

- 1) the total number of votes eligible to be cast;
- 2) the total number of votes cast;
- 3) the total number of votes approving or rejecting the applicant's conversion plan and adopting the revised Articles of Incorporation;
- 4) the percentage of votes cast to approve such plan of Conversion and adopt the revised Articles of Incorporation; and
- 5) the date on which the vote was held.

(Source: Amended at 17 Ill. Reg. _____, effective _____, 1993)

SUBPART N: ACQUISITION OF A CONTROL OF A SAVINGS BANK

Section 1075.1700 Acquisition of Control of A Savings Bank

a) As used in this Section, the following definitions apply:

- 1) "Affiliate" means any company that controls, is controlled by, or is under common control with a savings bank operating under The Act. The term "affiliated person of a savings bank or insured

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institution" means the following:

- A) a director, officer, or controlling person of a savings bank or insured institution;
- B) a spouse of a director, officer, or controlling person of a savings bank or institutions;
- C) member of the immediate family of a director, officer, or controlling person of a savings bank or insured institution, who has the same home as that person, or who is a director or officer of any subsidiary of the savings bank or insured institution or of any holding company affiliate of the savings bank or insured institution;
- D) any corporation or organization (other than the savings bank or insured institution or a corporation or organization through which the savings bank or insured institution operates) of which a director, officer or controlling person of the savings bank or insured institution;

i) is chief executive officer, chief financial officer, or a person performing similar functions;

ii) is a general partner;

iii) is a limited partner who directly or indirectly either alone or with his spouse and the members of his immediate family who are also affiliated persons of the institution, owns an interest of 10% or more in the partnership (based on the value of his contribution) or who, directly or indirectly with other directors, officers, and controlling persons of the institution and their spouses and their immediate family members who are also affiliated persons of the institution, owns an interest of 25% or more in the partnership; or

iv) directly or indirectly either alone or with his spouse and the members of his

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immediate family who are also affiliated persons of the institution, owns or controls 10% or more of any class of equity securities or owns or controls, with other directors, officers, and controlling persons of the savings bank or insured institution and their spouses and their immediate family members who are also affiliated persons of the savings bank or insured institution, 25% or more of any class of equity securities.

2) "Control" means the ability of any person, entity, persons, or entities acting alone or in concert with one or more persons or entities, to own, hold, or direct with power to vote, or to hold proxies representing, 10% or more of the voting shares or rights of a savings bank, savings bank subsidiary, savings bank affiliate, or savings bank holding company; or the ability to achieve in any manner the election or appointment of a majority of the directors of a savings bank. This definition shall not apply to the voting of proxies obtained from depositors if the proxies are voted as directed by a majority of the board of directors of the savings bank or of a committee of directors when the committee's composition and powers may be revoked by a majority vote of the board of directors.

3) "person" means any individual, corporation, partnership, group acting in concert, association, business trust, or other organization.

4) "Related Entity" means a savings bank subsidiary, savings bank affiliate or savings bank holding company.

5) "Associate", when used to indicate relationship with any person, means:

A) any corporation or organization (other than the applicant or a wholly owned subsidiary of the applicant) of which such person is an officer or partner or is, directly or indirectly, either alone or together with one or more members of his or her immediate family, the beneficial owner of 10% or more of any class of securities;

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B) any trust or other estate in which the person has a substantial beneficial interest or as to which such person serves as trustee or in a similar fiduciary capacity;

C) any relative or spouse of such person or any relative of such spouse, who has the same home as such person or who is a director or officer of the savings bank or a related entity; or

D) anyone who has an agreement, arrangement, or understanding, with such person, the purpose or effect of which is to enable the person to enter into and consummate any transaction described in subsection (m) below on terms more advantageous than had the transaction been entered into or consummated by a person who has not a party to such agreement, arrangement, or understanding.

b) It is unlawful for any person to acquire control of a savings bank or related entity unless acquired pursuant to this Section. Any acquisition of control in violation of this Section shall be ineffective and void.

c) Application to acquire control of savings bank shall be made to the Commissioner. The application shall be under oath or affirmation, and shall contain substantially all the following information plus any additional information that the Commissioner may prescribe as necessary or appropriate in the particular instance for the protection of depositors, borrowers, or stockholders and the public interest.

1) The identity and banking and business experience of each person by whom or on whose behalf the acquisition is to be made, including (but not limited to) his or her business activities and affiliations during the past ten years, and a description of any pending legal or administrative proceedings in which he or she is a party and any criminal indictment or any conviction of such person by any state or federal court.

2) If not entirely described in subsection (c)(1) above, for each person by whom or on whose behalf the acquisition is to be made, any past (for the

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past ten years), present or proposed affiliation with an insured depository institution including, but not limited to, any past, present or proposed employment and all affiliation or connection of the kind described under the definition of "affiliated person of a savings bank or insured institution" as defined in this Section.

3) A statement of the assets and liabilities, including contingent liabilities, of each person by whom or on whose behalf the acquisition is to be made, as of the end of the fiscal year for each of the five years immediately preceding the date of the notice, including statements of income, and source and application of funds for each of the fiscal years then concluded, all prepared in accordance with generally accepted accounting principles consistently applied; and an interim statement of the assets and liabilities, including contingent liabilities, for each such person, including related statements of income, and source and application of funds, as of a date not more than 90 days before the date of the filing of the notice.

4) The terms of the proposed acquisition and the manner in which the acquisition is to be made.

5) The identity, source and amount of the funds or other consideration used, or to be used, in making the acquisition. If any part of these funds or other consideration has been or is to be borrowed, or otherwise obtained, to make the acquisition, a description of the transaction, the names of the parties, and any arrangements, agreements, or understandings with such persons.

6) Any plans or proposals which any acquiring party may have to liquidate the bank, to sell its assets or merge it with any company or to make any other major change in its business or corporate structure or management.

7) The identity of any person employed, retained, or to be compensated by the acquiring party, or by any person on his behalf, to make solicitations or recommendations to stockholders to assist in the acquisition, and a brief description of the terms of such employment, retainer, or arrangement for

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compensation.

8) Copies of all invitations or tenders or advertisements making a tender offer to stockholders for purchase of their stock to be used in connection with the proposed acquisition.

d) When a person, other than an individual or corporation, is required to file an application under this Section, the supervisor may require that the information required by subsection (c)(1),(2),(3), and (7) above be given with respect to each person, as defined in subsection (a)(3) above, who has an interest in or controls a person filing an application under this subsection.

e) When a corporation is required to file an application under this Section, the Commissioner may require that information required by subsection (c)(1),(2),(3), and (7) above be given for the corporation, each officer and director of the corporation, and each person who is directly or indirectly the beneficial owner of twenty-five percent or more of the outstanding voting securities of the corporation.

f) If any tender offer, request, or invitation for tenders or other agreements to acquire control is proposed to be made by a registration statement under the Securities Act of 1933 (15 U.S.C. 77a et seq.), or in circumstances requiring the disclosure of similar information under the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq.), the registration statement or application may be filed with the Commissioner instead of the requirements of this Section.

g) Any acquiring party shall deliver a copy of any notice or application required by this Section to the savings bank proposed to be acquired, within two days after such notice or application is filed with the Commissioner.

h) Any person who willfully or intentionally violates this Section is subject to Section 11006(1) of The Act. Each day's violation shall be considered a separate violation. This subsection in no way limits investigation, examination, prosecution, conviction, levying of fines, or any other legal action or remedy carried out pursuant to any other applicable state or federal law.

i) The Commissioner may disapprove the acquisition of a

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savings bank within 45 days after the filing of a complete application if:

1) The poor financial condition of any acquiring party might jeopardize the financial stability of the savings bank or might prejudice the interest of depositors, borrowers, or stockholders;

2) The plan or proposal of the acquiring party to liquidate the savings bank, to sell its assets, to merge it with any person, or to make any other major change in its business or corporate structure or management is not fair and reasonable to its depositors, borrowers, or stockholders or is not in the public interest;

3) The banking and business experience and integrity of any acquiring party who would control the operation of the savings bank indicates that approval would not be for the savings bank's depositors, borrowers, or stockholders;

4) The information provided by the application is insufficient for the Commissioner to determine whether the acquisition should be approved or there has been insufficient time to verify the information provided and conduct an examination of the qualification of the acquiring party; or

5) The acquisition would not be in the public interest.

j) An acquisition may be made before expiration of the disapproval period if the Commissioner issues written notice of intent not to disapprove the action.

k) The Commissioner shall set forth the basis for disapproval of any proposed acquisition in writing and shall provide a copy of such findings and order to the applicants and to the bank involved. Such findings and order shall not be disclosed to any other party and shall not be subject to public disclosure unless the findings or order are appealed and subject to hearing.

l) Whenever such a change in control occurs, each party to the transaction shall report promptly to the Commissioner any changes or replacement of its chief executive officer or of any director occurring in the next twelve-month period, including in its report a statement of the past

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and current business and professional affiliations of the new chief executive officers or directors.

m) For a period of 10 years following the acquisition of control by any person, neither such acquiring party nor any associate or affiliate or affiliated person of the acquiring party or the acquired savings bank shall receive any loan or the use of any of the funds of, nor purchase, lease, or otherwise receive any property from, nor receive any consideration from the sale, lease, or any other conveyance of property to, any savings bank in which the acquiring party has control; except that upon application by any acquiring party or associate or affiliate or affiliated person of a savings bank or insured institution subject to this subsection, the Commissioner may approve a transaction between a savings bank and such acquiring party, person, or associate or affiliate or affiliated person of a savings bank or insured institution, upon finding that the terms of the transaction are at least as advantageous to the savings bank as the savings bank would obtain in a comparable transaction with an person that is not an acquiring party or an associate or affiliate thereof.

n) To enable any person to purchase any or all shares of its capital stock, no savings bank shall make a loan to, pledge or otherwise transfer any of its assets as security for a loan to such person or to any associate or affiliate or affiliated person of a savings bank or insured institution, or pay any dividends to any such person or associate or affiliate or affiliated person of a savings bank or insured institution except upon a finding by the Commissioner that such transaction(s) is fair to stockholders, depositors, and creditors and does not otherwise violate any provision of The Act. Nothing in this Section shall prohibit a stock dividend among shareholders in proportion to their shareholdings.

o) Filing with the Commissioner of a copy of notice filed pursuant to the Federal Deposit Insurance Act (12 U.S.C. 1817(j)) and the Rules under the Federal Deposit Insurance Corporation (12 CFR 303.4) or pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 Note et seq.) and the Bank Holding Companies and Change in Bank Control in the Federal Reserve Board Regulations for Bank Holding Companies, (12 CFR 225.41 et seq.) shall satisfy the requirements of subsection (c) above.

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- p) The accuracy and completeness of any information submitted by the applicant(s) may be determined by the Commissioner pursuant to the Commissioner's examination authority.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1710 Anti-Takeover Provisions

- a) With approval of the Commissioner, a savings bank may amend its articles of incorporation with regard to the acquisition by any person or persons of its equity securities. The savings bank shall file with its application for approval an opinion, acceptable to the Commissioner, of counsel independent from the savings bank that the proposed amendment(s) would be permitted to be adopted by a corporation chartered by Illinois pursuant to the Business Corporation Act of 1983, (805 ILCS 5 1.01 et seq.).

- b) No amendments of a savings bank's articles of incorporation pursuant to subsection (a) above may be made or approved by the Commissioner if the savings bank's capital is below requirements established by the Commissioner or by federal law or if the savings bank's most recent composite rating (CAMEL) is composite 4 or composite 5. This subsection shall not be construed to grant automatic approval of applications that do not fall within the restrictions of this subsection.

- c) Other than specified in subsections (a) and (b) above, a savings bank shall amend its articles of incorporation in accordance with Section 7308-2 of The Act.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

SUBPART 0: CONVERSION OF MUTUAL SAVINGS BANK TO CAPITAL STOCK SAVINGS BANK**Section 1075.1800 Subpart Exclusive -- Prohibition on Conversion Without Approval -- Waiver of Requirements**

This Subpart shall exclusively govern the conversion of mutual savings banks to capital stock savings banks. No mutual savings bank may convert to the capital stock form of organization without the prior written approval of the Commissioner pursuant to this

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Subpart, except that the Commissioner may waive requirements of this Subpart pursuant to Section 1075.1810.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1805 Forms

The Commissioner may prescribe under this Subpart forms for use by a mutual savings bank seeking to convert to a capital stock savings bank pursuant to this Subpart.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1810 Request of Noncompliance Requirements

- a) If an applicant finds that compliance with any provision of this Subpart would be in conflict with applicable federal law, the Commissioner shall grant a request of noncompliance with the provision. The request may be incorporated in the application for conversion; otherwise, the applicant shall file the request in accordance with the requirements of the Commissioner.

- b) In making any such request, the applicant shall:

- 1) specify the provision or provisions of this Subpart with respect to which the applicant desires a waiver; and

- 2) furnish an opinion of counsel demonstrating that applicable federal law is in conflict with the specified provision or provisions of this Subpart.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1815 Definitions

Terms defined in other Subparts of this Part, when used in this Subpart, shall have the meanings given in those definitions, to the extent those definitions are not inconsistent with the definitions contained in this Subpart unless the context otherwise requires. As used in this Subpart, the following definitions apply, unless the context otherwise requires:

"Acting in Concert" means knowing participation in a

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joint activity or interdependent conscious parallel action toward a common goal whether pursuant to an express agreement, or a combination or pooling of voting or other interests in the securities of an issuer for a common purpose pursuant to any contract, understanding, relationship, agreement or other arrangement, whether written or otherwise, a person or company which acts in concert with another person or company ("other party") shall also be considered to be acting in concert with any person or company who is also acting in concert with that other party, except that any employee stock benefit plan as defined in this section will not be considered to be acting in concert with its trustee or a person who serves in a similar capacity solely to determine whether stock held by the trustee and stock held by the plan will be aggregated.

"Affiliate" means any company that is controlled by, or is under common control with a savings bank operating under The Act or any other insured institution. The term "affiliated person of a savings bank" means the following:

- 1) a director, officer, or controlling person of a savings bank or insured institution;
- 2) a spouse of a director, officer, or controlling person of a savings bank or institution;
- 3) member of the immediate family of a director, officer, or controlling person of a savings bank or insured institution, who has the same home as that person, or who is a director or officer of any subsidiary of the savings bank or insured institution or of any holding company affiliate of the savings bank or insured institution;
- 4) any corporation or organization (other than the savings bank or insured institution or a corporation or organization through which the savings bank or insured institution operates) of which a director, officer or controlling person of the savings bank or insured institution;

- A) is chief executive officer, chief financial officer, or a person performing similar functions;

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- B) is a general partner;

- C) is a limited partner who directly or indirectly either alone or with his spouse and the members of his immediate family who are also affiliated persons of the institution, owns an interest of 10% or more in the partnership (based on the value of his contribution) or who, directly or indirectly with other directors, officers, and controlling persons of the institution, and their spouses and their immediate family members who are also affiliated persons of the institution who owns an interest of 25% or more in the partnership; or

- D) directly or indirectly either alone or with his spouse and the members of his immediate family who are also affiliated persons of the institution, owns or controls 10% or more of any class of equity securities or owns or controls, with other directors, officers, and controlling persons of the savings bank or insured institution and their spouses and their immediate family members who are also affiliated persons of the savings bank or insured institution, 25% or more of any class of equity securities.

"Amount", when used in regard to securities, means the principal amount if relating to evidences of indebtedness, the number of shares if relating to shares of common or preferred stock, and the number of units if relating to any, other kind of security.

"Applicant" is a mutual savings bank which has applied to convert pursuant to this chapter.

"Broker" means any person engaged in the business of effecting transactions in securities for the account of others.

"Capital stock" includes permanent stock, guaranty stock, permanent reserve stock, any similar certificate evidencing nonwithdrawable capital, preferred stock, or convertible preferred stock of a savings bank converted under this Subpart or of a subsidiary, institution or holding company.

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"Charter" includes articles of incorporation, articles of reincorporation, and certificates of incorporation, as amended, effecting (either with or without filing with any governmental agency) the organization or creation of an incorporated person.

"Commissioner" means the Commissioner of Savings and Residential Finance.

"Control" is defined as it is defined in Section 1007.35 of The Act.

"Dealer" means any, person who engages either for all or part of his time, directly or indirectly, as agent, broker, or principal, in the business of offering, buying, selling, or otherwise dealing or trading in securities issued by another person.

"Deposit Accounts" means any account defined as a deposit account at Section 7001 of The Act.

"Director" is defined as it is defined in Section 1007.55 of The Act.

"Eligibility Record Date" means the record date for determining eligible account holders of a converting mutual savings bank.

"Eligible Account Holder" means any person holding a qualifying deposit as determined in accordance with Section 1075.1935.

"Employee" does not include a director or officer.

"Employee Stock Benefit Plan" means any defined benefit plan or defined contribution plan, such as an employee stock ownership plan, stock bonus plan, profit-sharing plan or other plan and its related trust.

"Equity Security" means any stock or similar security; or any security convertible, with or without consideration, into such a security, or carrying any warrant or right to subscribe to or purchase such a security; or any such warrant or right.

"Market Maker" means a dealer who, with respect to a particular security:

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A) regularly publishes bona fide, competitive bid and offer quotations in a recognized interdealer quotation system; or

B) furnishes bona fide competitive bid and offer quotations on request; and

C) is ready, willing, and able to effect transaction in reasonable quantities at his quoted prices with other brokers or dealers.

"Mutual savings bank" means a mutual savings bank organized and operating under The Act.

"Offer of sale" term shall include "offer", "offer to sell", or "offer of sale" and shall include every attempt or offer to dispose of, or solicitation of an offer to buy, a security or interest in a security, for value. These terms shall not include preliminary negotiations or agreements between an applicant and any underwriter or among underwriters who are or are to be in privity of contract with an applicant.

"Officer", for purposes of the purchase of stock in a conversion under this Subpart or the sale of this stock, means the chairman of the board, president, vice president, secretary, treasurer or principal financial officer, comptroller or principal accounting officer, and any other person performing similar functions with respect to any organization whether incorporated or unincorporated.

"Person" means an individual, a corporation, a partnership, an association, a joint-stock company, a trust, any unincorporated organization, or a government or political subdivision thereof.

"Principal Underwriter" term means an underwriter, as defined in this Section, in privity of contract with the applicant or other issuer of securities as to which that person is the underwriter.

"Proxy" includes every form of authorization by which a person is or may be designated to act for a stockholder in the exercise of his voting rights in the affairs of an institution. Such an authorization may take the form of failure to dissent or object.

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"Purchase" and "Buy" include every contract to purchase, buy, or otherwise acquire a security or interest in a security for value.

"Sale" and "Sell" include every contract to sell or otherwise dispose of a security or interest in a security for value; but these terms do not include an exchange of securities in connection with a merger or acquisition approved by the Commissioner.

"Security" includes any note, stock, treasury stock, bond, debenture, transferable share, investment contract, voting-trust certificate, or in general, any instrument commonly known as a "security"; or any certificate of interest or participation in, temporary or interim certificate for, receipt for, or warrant or right to subscribe to or purchase any of the foregoing.

A "Subsidiary" of a specified person is an affiliate controlled by the person, directly or indirectly through one or more intermediaries.

"Supplemental Eligibility Record Date" means the supplemental record date for determining supplemental eligible account holders of a converting savings bank required by Section 1075.1845. The date shall be the last day of the calendar quarter preceding Commissioner approval of the application for conversion.

"Supplemental Eligible Account Holder" means any person holding a qualifying deposit, except officers, directors, and their associates, as of the supplemental eligibility record date.

"Underwriter" means any person who has purchased from an applicant with a view to, or offers or sells for an applicant in connection with, the distribution of any security, or participates or has a direct or indirect participation in the direct or indirect underwriting of any such undertaking; but the term does not include a person whose interest is limited to a commission from an underwriter or dealer not in excess of the usual and customary distributors' or sellers commission.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

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Section 1075.1820 Prohibition on Approval of Certain Applications for Conversion

No application for conversion may be approved by the Commissioner if:

- a) The plan of conversion adopted by the applicant's board of directors is not in accordance with this Subpart;
- b) The conversion reasonably could be expected to result in a reduction of the applicant's capital below requirements established by the Commissioner and by Federal law;
- c) The conversion may result in a taxable reorganization of the applicant under the United States Internal Revenue Code of 1986 (26 U.S.C. 1 et seq.) unless the Commissioner upon a written finding determines that the reorganization will injure the converting savings bank.
- d) The converted savings bank does not secure insurance of its deposit accounts backed by the full faith and credit of the United States government before commencing business.
- e) Where a holding company is contemplated, the holding company shall be a bank holding company.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1825 Requirements of Plan of Conversion

The plan of conversion shall contain all the provisions set forth in Sections 1075.1830 through 1075.1915.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1830 Issuance of Capital Stock -- Price

A converted savings bank shall issue and sell capital stock at a total price at least equal to the estimated pro forma market value of the stock issued in connection with the conversion, based on an independent valuation, as provided in Section 1075.2070.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

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Section 1075.1835 Stock Purchase Subscription Rights -- Eligible Account Holders

a) Each eligible account holder shall receive, without payment, nontransferable subscription rights to purchase capital stock in an amount up to five percent of the total offering or fifteen times the product (rounded down to the next whole number) obtained by multiplying the total number of shares of capital stock to be issued by a fraction of which the numerator is the amount of the qualifying deposit of the eligible account holder and the denominator is the total amount of the qualifying deposits of all eligible account holders in the converting savings bank. The allocation of subscription rights to purchase shares of capital stock under this Section shall not give the directors in the aggregate subscriptions equal to more than 20 percent of the total offering.

b) When a conversion plan is effected pursuant to Section 1075.2170, the total number of shares refers to that number of shares not sold to the acquiror or acquirors designated in the plan.

c) If the allotment made in this Section results in an oversubscription, the plan of conversion may provide that shares be allocated first to directors, officers and employees who have been account holders for the entire 5 years before the conversion. However, the Commissioner may waive the five-year requirement for an individual upon a written finding that the individual who has not been a five-year account holder participated in and greatly contributed to rehabilitating the savings bank or that the waiver is necessary to maintain the savings bank's independent ownership. Any shares not allocated to such directors, officers and employees shall be allocated among other subscribing eligible account holders on such equitable basis, related to the amounts of their qualifying deposits, as may be provided in the plan of conversion.

d) If the allotment in this Section results in an undersubscription, the plan of conversion may provide that the directors, officers and employees of the savings bank receive, without payment, nontransferable subscription rights to purchase unallocated shares of capital stock. The subscription rights shall be allocated among directors, officers and employees on an

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equitable basis such as by giving weight to period of service, compensation, or position.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1840 Stock Purchase Subscription Rights Received by Officers, Directors, and their Associates -- Subordination

Nontransferable subscription rights to purchase capital stock received by officers and directors and affiliated persons of the converting savings bank based on their increased deposits in the converting savings bank in the one-year period preceding the eligibility record date shall be subordinated to all other subscriptions involving the exercise of nontransferable subscription rights to purchase shares pursuant to Section 1075.1835.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1845 Supplemental Share Purchase Subscription Rights -- Supplemental Eligible Account Holder -- Conditions

a) In plans with an eligibility record date that is more than 15 months before the date of the latest amendment to the application for conversion filed before the Commissioner's approval, a supplemental eligibility record date shall be determined whereby each supplemental eligible account holder of the converting savings bank shall receive, without payment, nontransferable subscription rights to purchase shares in an amount up to five percent of the total offering or fifteen times the product (rounded down to the next whole number) obtained by multiplying the total number of shares of capital stock to be issued by a fraction of which the numerator is the amount of the qualifying deposit of the supplemental eligible account holder and the denominator is the total amount of the qualifying deposits of all supplemental eligible account holders in the converting savings bank on the supplemental eligibility record date. When a conversion plan is effected pursuant to Section 1075.2170, the total number of shares refers to that number of shares not sold to the acquiror or acquirors designated in the plan.

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b) Subscription rights received pursuant to this Section shall be subordinated to all rights received by eligible account holders to purchase shares pursuant to Sections 1075.1835 and 1075.1840.

c) Any nontransferable subscription rights to purchase shares received by an eligible account holder in accordance with Sections 1075.1835 and 1075.1840 shall be applied in partial satisfaction of the subscription rights to be distributed pursuant to this Section.

d) In the event of an oversubscription for supplemental shares pursuant to this Section, shares shall be allocated among the subscribing supplemental eligible account holders on such equitable basis, related to the amounts of their respective qualifying deposits, as may be provided in the plan of conversion.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1850 Voting Members Who Are Not Eligible Account Holders

a) Voting members who are not either eligible account holders or supplemental eligible account holders may receive, without payment, nontransferable subscription rights to purchase capital stock in an amount up to five percent, or one-tenth of one percent of the total offering of shares.

1) Subscription rights received pursuant to this Section shall be subordinated to all rights received by employee stock benefit plans, eligible account holders and supplemental account holders to purchase shares pursuant to Sections 1075.1835, 1075.1840, and 1075.1845.

2) In the event of an oversubscription to capital stock pursuant to this Section, shares shall be allocated among the subscribing voting members on such equitable basis as may be provided in the plan of conversion.

b) When a conversion plan is effected pursuant to Section 1075.2170, the total number of shares refers to that number of shares not sold to the acquiror or acquirors designated in the plan.

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(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1855 Sale of Shares Not Sold in Subscription Offering -- Methods -- Conditions

Any shares of the converting savings bank not sold in the subscription offering shall either be sold in a public offering through an underwriter or directly by the converting savings bank in a direct community marketing, subject to the applicant demonstrating to the Commissioner the feasibility of the method of sale and to such conditions as may be provided in the plan of conversion. The conditions shall include, but not be limited to the following.

a) A condition that any direct community offering by the converting savings bank shall give a preference to natural persons residing in the counties in which the savings bank has an office. The methods by which preference shall be given shall be approved by the Commissioner.

b) A condition requiring the stock to be offered and sold in the public offering or the direct community offering to be offered and sold in a manner that will achieve the widest distribution of the stock.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1860 Uniform Sales Price of Shares Required -- Application to Specify Arrangements on Sale of Shares Not Sold in Subscription Offering

a) The sales price of the shares of capital stock to be sold in the conversion shall be a uniform price determined in accordance with Sections 1075.2055, 1075.2070, and 1075.2090. The applicant shall specify in its conversion application the underwriting and other marketing arrangements to be made to assure the sale of all shares not sold in the subscription offering.

b) In a conversion of a mutual savings bank that is in the process of acquisition by a savings bank holding company, or in the process of merger or consolidation with a subsidiary of a savings bank holding company, the pricing requirements of subsection (a) above may be waived by the Commissioner with respect to sales of shares of capital

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stock to eligible account holders and other voting members during the subscription offering. Waiver shall be granted only upon a written finding by the Commissioner that the provision is not inequitable to members and would not injure the converting savings bank. The finding shall include grounds as to why the provision is not equitable or injurious.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1865 Savings Account Holder to Receive Withdrawable Savings Account(s) -- Amount

Each deposit account holder of the converting savings bank shall receive, without payment, a deposit account or accounts in the converted savings bank equal in amount, rate of return and general terms, to the withdrawable account holder's deposit account or accounts in the pre-conversion mutual savings bank.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1870 Liquidation Account -- Establishment and Maintenance Required

A converting savings bank shall establish and maintain a liquidation account for the benefit of eligible account holders and supplemental eligible account holders in the event of a subsequent complete liquidation of the converted savings bank, in accordance with Sections 1075.1940 through 1075.1960.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1875 Establishment of Eligibility Record Date Required

The applicant shall establish an eligibility record date, which shall not be less than 90 days before the date of adoption of the plan by the converting savings bank's board of directors.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1880 Voting Rights

Stockholders of the converted savings bank shall have exclusive

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voting rights as prescribed in Section 4005 of The Act.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1885 Amendment and Termination of Plan of Conversion

The plan of conversion adopted by the applicant's board of directors may be amended by the board of directors at any time before final approval of the Commissioner and may be withdrawn or amended at any time before issuance of the authorization certificate by the Commissioner. No such amendment or withdrawal shall be effective unless the Commissioner is notified of the amendment or withdrawal and the Commissioner acknowledges receipt of notification.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1890 Restriction on Sale of Shares of Stock by Directors and Officers

a) All shares of capital stock purchased by directors on original issue in the conversion either directly from the savings bank (by subscription or otherwise) or from an underwriter of the shares shall be subject to the restriction that the shares shall not be sold for a period of not less than three years following the date of purchase, except in the event of death of the director.

b) Notwithstanding the sales restriction of subsection (a) above, after a director has owned such capital stock purchased on original issuance for a period of not less than one year from the date of purchase, a director may request the Commissioner's permission to sell the stock. The Commissioner may grant permission to sell the stock upon a written finding that:

- 1) the sale would substantially contribute to averting otherwise unavoidable injury to the savings bank; or
- 2) due to a change in the director's financial or personal circumstances that was unforeseen at the time of purchase of the stock, disallowing the sale would result in substantial, imminent and otherwise unavoidable hardship.

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- c) All shares of capital stock purchased by officers on original issue in the conversion either directly from the savings bank (by subscription or otherwise) or from an underwriter if the shares shall be subject to the restriction that the shares shall not be sold for a period of not less than one year following the date of purchase, except in the event of death of the officer.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1895 Conditions on Shares of Stock Subject to Restriction on Sale

In connection with shares of capital stock subject to restriction on sale:

- a) each certificate for the stock shall bear a legend giving appropriate notice of the restriction;
- b) appropriate instructions shall be issued to the transfer agent for the capital stock with respect to applicable restrictions on transfer of any such restricted stock; and
- c) any shares issued as a stock dividend, stock split, or otherwise with respect to any such restricted stock shall be subject to the same restrictions as may apply to the restricted stock.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1900 Registration of Securities -- Marketing of Securities -- Listing of Shares on Securities Exchange or NASDAQ Quotation System

A converted savings bank or holding company shall:

- a) promptly register securities issued in its conversion pursuant to the Securities and Exchange Act of 1934 (15 U.S.C. 78a et seq.) and undertake not to deregister the securities for a period of three years thereafter;
- b) use its best efforts to encourage and assist a market maker to establish and maintain a market for the securities issued in connection with the conversion; and

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- c) use its best efforts to list those shares issued in connection with the conversion on a national or regional securities exchange or on the National Association of Securities Dealers Automated Quotations ("NASDAQ") system.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1905 Reasonable Expenses Required

The expenses incurred in the conversion shall be reasonable.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1910 Employee Stock Benefit Plan -- Priority.

- a) Employee stock benefit plans in the aggregate have priority to purchase up to 15 percent of the total offering of shares of capital stock before eligible and supplemental eligible account holders and voting members who have subscription rights.

- b) Management recognition plans and benefit income plans in the aggregate have priority to purchase up to 5 per cent of the total offering of shares of capital stock before eligible and supplemental eligible account holders and voting members who have subscription rights.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1915 Employee Stock Benefit Plan -- Contributions

Scheduled discretionary contributions to a employee stock benefit plan may be made if the contributions do not cause the savings bank to fail to meet capital requirements established by the Commissioner or by federal law.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1920 Plan of Conversion -- Prohibited Provisions

- a) The plan of conversion shall contain no provision which the Commissioner determines to be inequitable or detrimental to the applicant, its account holders, or

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other savings banks or to be contrary to the public interest.

- b) The plan of conversion shall contain no provision which permits or requires the applicant to extend credit of any kind in any way or to distribute assets of any kind in any way to any person or entity to purchase the applicant's capital stock before or during the conversion.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1925 Optional Provisions in Plan of Conversion

The plan of conversion may provide any or all the following:

- a) That the converting savings bank may begin the direct community offering or the public offering, or both, concurrently with or at any time during the subscription offering. The subscription offering may begin concurrently with or at any time after the mailing to savings bank members pursuant to Section 1075.2040(b) of the proxy statement authorized for use by the Commissioner. The subscription offering may be closed before the meeting of the savings bank members held to vote on the plan of conversion, only if the offer and the sale of the capital stock shall be conditioned upon the approval of the plan of conversion by the savings bank members as provided in Section 1075.2040.

- b) That any account holder receiving rights to purchase stock in the subscription offering, shall also receive, without payment, non-transferable subscription rights to purchase up to one percent of the total offering of shares of capital stock, to the extent that such shares are available after satisfying the subscriptions provided for under Sections 1075.1835, 1075.1845, 1075.1855 and 1075.1910, subject to such conditions as may be provided in the plan of conversion. In the event of an over-subscription for each additional shares, the shares available shall be allocated among the subscribing eligible account holders, supplemental eligible account holders and voting members on such equitable basis, related to the amounts of their respective subscriptions, as may be provided in the plan of conversion.

- c) That the converting savings bank may require savings bank

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members to return by a reasonable date certain a postage-paid written communication provided by the converting savings bank requesting receipt of a subscription offering circular, or a preliminary or final offering circular in an offering pursuant to subsection (h) below, in order to be entitled to receive an offering circular from the converting savings bank. The subscription offering or the offering pursuant to subsection (h) below shall not be closed until the expiration of 30 days after the mailing by the converting savings bank to bank members of the postage-paid written communication. If the subscription offering or the offering pursuant to subsection (h) below is not started within 45 days after the meeting of savings bank members, the converting savings bank that has adopted this optional provision shall transmit no more than 30 days before the start of the subscription offering or the offering pursuant to subsection (h) below to each savings bank member who has been furnished with proxy soliciting materials, written notice of the start of the offering, which notice shall state that the converting savings bank is not required to furnish an offering circular to a savings bank member unless the savings bank member returns by a reasonable date certain the postage-paid written communication provided by the converting savings bank requesting receipt of an offering circular.

- d) That the converting savings bank may require eligible account holders and supplemental eligible account holders who are not voting members to return by a reasonable date certain a postage-paid written communication provided by the converting savings bank requesting the receipt of a subscription offering circular, or a preliminary or final offering circular in an offering pursuant to subsection (h) below, in order to be entitled to receive an offering circular from the converting savings bank. The subscription offering or the offering pursuant to subsection (h) below shall not be closed until the expiration of 30 days after the mailing by the converting savings bank to the non-voting eligible account holders and supplemental eligible account holders of the postage-paid written communication. If the subscription offering or the offering pursuant to subsection (h) below is not started with 45 days after the meeting of savings bank members, the converting savings bank that has adopted this optional provision shall transmit no more than 30 days before the start of the subscription offering or the offering pursuant to subsection (h) below written notice

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of the start of the offering, which notice shall state that the converting savings bank is not required to furnish an offering circular to a non-voting eligible account holder or supplemental eligible account holder unless the eligible account holder or supplemental eligible account holder returns by a reasonable date certain the post-paid written communications provided by the converting savings bank requesting receipt of an offering circular.

e) That any shares of the converting savings bank not sold in the subscription offering or in a public offering referred to in Section 1075.1855 may be sold in such other manner as provided in the plan with Commissioner's approval.

f) That the converted savings bank shall issue and sell, instead of shares of its capital stock, units of securities consisting of capital stock and warrants or other equity securities, in which event any reference in this Subpart to capital stock shall apply to such units of equity securities unless the context otherwise requires.

g) That, instead of a separate subscription offering, all subscription rights issued in connection with the conversion shall be exercisable by delivery of properly completed and executed order form to the underwriters or selling group for the public offering or pursuant to any other procedure, subject to the applicant demonstrating to the Commissioner the feasibility of the method of exercising such rights and to such conditions as shall be provided in the plan of conversion. Such conditions shall include, but not be limited to, a condition requiring that orders for stock in the public offering or direct community offering shall first be filled, in the order of priority set forth in this Subpart by orders of persons exercising subscription rights.

h) Any person exercising subscription rights to purchase capital stock may be required to purchase a minimum number of shares to the extent the shares are available but the aggregate price for any minimum share purchase requirement shall not exceed five hundred dollars.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

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Section 1075.1930 Approval of Other Provisions

The Commissioner may approve other provisions upon a written finding that the provision is not inequitable to members and will not injure the converting savings bank. The written findings shall include grounds as to why the provision is not inequitable or injurious.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1935 Amount of Qualifying Deposit of Eligible Account Holder or Supplemental Eligible Account Holder

a) Unless otherwise provided in the plan of conversion, the amount of the qualifying deposit of an eligible account holder or supplemental eligible account holder shall be the total of the deposit balances in the eligible account holder's or supplemental eligible account holder's deposit accounts in the converting savings bank as of the close of business on the eligibility record date or supplemental eligibility record date. However, the plan of conversion may provide that any deposit accounts with total deposit balances of less than \$1000 (or any lesser amount) shall not constitute a qualifying deposit.

b) As used in this Section, the term "deposit account" includes a predecessor or successor account of a given savings account which is held only in the same right and capacity and on the same terms as the given deposit account. However, the plan of conversion may provide for lesser requirements for determining predecessor or successor accounts.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1940 Liquidation Account -- Establishment Required -- Amount -- Function

Each converted savings bank shall, at the time of conversion, establish a liquidation account in an amount equal to the amount of net worth of the converting savings bank as of the latest practicable date before conversion. For purposes of this Section, the savings bank, in the final offering circular, shall use the net worth figure stated in its most recent audited statement of financial condition, prepared according to generally accepted

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accounting principles. The function of the liquidation account is to establish a priority to be followed on liquidation and, except as provided in Section 1075.1970, the existence of the liquidation account shall not operate to restrict the use or application of any of the capital accounts of the converted savings bank.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1945 Liquidation Account -- Maintenance Required - Subaccounts

The liquidation account shall be maintained by the converted savings bank for the benefit of eligible account holders and supplemental eligible account holders who maintain their savings accounts in the bank. Each such eligible account holder and supplemental eligible account holder shall, with respect to each savings account, have a related inchoate interest in a portion of the liquidation account balance ("subaccount").

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1950 Liquidation Account -- Distribution Upon Complete Liquidation

In the event of a complete liquidation of the converted savings bank (and only in this event), each eligible account holder and supplemental eligible account holder shall be entitled to receive a liquidation distribution from the liquidation account, in the amount of the then current adjusted subaccount balances for savings accounts then held, before any liquidation distribution may be made with respect to capital stock. No merger, consolidation, purchase of bulk assets with assumption of savings accounts and other liabilities, or similar transaction, in which the converted savings bank is not the survivor, is considered to be a complete liquidation for this purpose. In these transactions, the liquidation account shall be assumed by the surviving institution.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1955 Liquidation Account -- Determination of Subaccount Balances

The initial subaccount balance for a savings account held by an eligible account holder or supplemental eligible account holder shall be determined by multiplying the opening balance in the

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liquidation account by a fraction of which the numerator is the amount of qualifying deposits in the savings account on the eligibility record date or the supplemental eligibility record date and the denominator is the total amount of qualifying deposits of all eligible account holders and supplemental eligible account holders in the converting savings bank on these dates. For savings accounts in existence at both dates, separate subaccounts shall be determined on the basis of the qualifying deposits in these savings accounts on these record dates. The initial subaccount balances shall not be increased, and it shall be subject to downward adjustment as provided in Section 1075.1960.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1960 Reduction of Subaccount Balance

If the deposit balance in any deposit account of an eligible account holder or supplemental eligible account holder at the close of business on any annual closing date subsequent to the respective record dates is less than the lesser of:

a) the deposit balance in the deposit account at the close of business on any other annual closing date subsequent to the eligibility record date; or

b) the amount of qualifying deposit as of the eligibility record date or the supplemental eligibility record date, the subaccount balance for the deposit account shall be adjusted by reducing the subaccount balance in an amount proportionate to the reduction in the deposit balance. In the event of such a downward adjustment, the subaccount balance shall not be subsequently increased, notwithstanding any increase in the deposit balance of the related deposit account. If any such deposit account is closed, the related subaccount balance shall be reduced to zero.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1965 Converted Savings Bank Prohibited from Repurchasing its Stock Without Approval

a) No converted savings bank shall for a period of three years from the date of the completion of the conversion repurchase any of its capital stock from any person, except that this restriction shall not apply to either:

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- 1) a repurchase, on a pro rata basis pursuant to an offer approved by the Commissioner and made to all shareholders of such savings bank;
- 2) the repurchase of qualifying shares of a director; or
- 3) a purchase in the open market by an employee stock benefit plan in an amount reasonable and appropriate to fund the plan.

b) A converted savings bank subject to subsection (a) above may repurchase its capital stock. When repurchases that involve 10 percent or more of the savings bank's outstanding capital stock during a six month period, the savings bank shall provide to the Commissioner, not later than 30 days before the beginning of a repurchase program, written notice containing a full description of the repurchase program to be undertaken and the effect of such repurchases on its capital position. The Commissioner shall disapprove the repurchase program based upon a determination that:

- 1) the repurchase program would adversely affect the financial condition of the savings bank; or
- 2) the information submitted by the savings bank is insufficient upon which to base a conclusion as to whether the savings bank's financial condition would be adversely affected; or
- 3) the repurchases to not reduce the savings bank's capital below the requirements established by the Commissioner and Federal law.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1970 Limitation on Cash Dividends

No converted savings bank may declare or pay a cash dividend on, or repurchase any of, its capital stock unless the declaration or payment repurchase dividend or repurchase would be in accordance with the requirements of Section 5001(c) of The Act and would not reduce the capital of the converted savings bank below the greatest of:

- a) the amount required for the liquidation account;

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- b) the amount required by the Commissioner; or
- c) the amount required by federal law.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1975 Dividends on Preferred Stock

A converted mutual savings bank may pay dividends on preferred stock at the rate or rates agreed in connection with the issuance of preferred stock, if such issuance has been approved by the Commissioner. However, the Commissioner shall approve no issuance or payment that would reduce the capital of the converted savings bank below the greatest of:

- a) the amount required for the liquidation account,
- b) the amount required by the Commissioner, or
- c) the amount required by federal law.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1980 Prohibitions on Offer, Sale, or Purchase of Securities

- a) In the offer, sale, or purchase of securities issued incident to its conversion, no savings bank or any director, officer, attorney, agent, or employee thereof, may:

- 1) employ any device, scheme or artifice to defraud;
- 2) obtain money or property by any untrue statement of a material fact or any omission to state a material fact necessary to make the statements made, in the light of the circumstances under which they were made, not misleading; or
- 3) engage in any act, transaction, practice, or course of business which operates or would operate as a fraud or deceit upon a purchaser or seller.

- b) In addition, any act that the Securities Exchange Commission finds violates Section 10 of the Securities Exchange Act of 1934 (15 U.S.C. 78j) or Rule 10b-5 under

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the Securities Exchange Act of 1934 (17 CFR 240.10b-5) shall be considered a violation of this Section. A violation found by the Securities Exchange Commission includes, regardless of pending of appeal, any violation found by the Commission, any violation admitted within a plea agreement or in a plea of nolo contendere, any violation proved or admitted with respect to an unindicted co-conspirator, any conviction for violation of the Securities Exchange Act of 1934 (15 U.S.C. 78j) or Rule (17 CFR 240.10b-5), and any violation found by any body of competent jurisdiction of the Securities Exchange Act of 1934 (15 U.S.C. 78); or Rule (17 CFR 240.10b-5).

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1985 Acquisitions of Control of a Converted Savings Bank

Acquisition of control of a converted savings bank shall be ineffective and void unless in accordance with Section 8015 of The Act and Section 1075.1700.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1990 Articles of Incorporation - Restrictions Permitted

a) A converting savings bank's articles of incorporation may include the following provision:

1) Certain Provisions Applicable for Five Years
Notwithstanding anything contained in the savings bank's charter article, articles of incorporation, or bylaws to the contrary, for a period of [specify number of years up to five] years from the date of completion of the conversion of the Savings bank from mutual to stock form, the following provisions shall apply:

A) Beneficial Ownership Limitation. Except for sales of stock required by the federal insurer of accounts or the Commissioner of Savings and Residential Finance, no person shall directly or indirectly offer to acquire or acquire the beneficial ownership of more than 10 percent

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of any class of an equity security of the savings bank. This limitation shall not apply to a transaction in which the savings bank forms a holding company without change in the respective beneficial ownership interests of its stockholders other than pursuant to the exercise of any dissenter and appraisal rights. the purchase of shares by underwriters in connection with a public offering, or the purchase of shares by a employee stock benefit plan. In the event shares are acquired in violation of this Section, all shares beneficially owned by any person in excess of 10% shall be considered "excess shares" and shall not be counted as shares entitled to vote and shall not be voted by any person or counted as voting shares in connection with any matters submitted to the stockholders for a vote. For purposes of this provision, the following definitions apply: the term "person" includes an individual, a group acting in concert, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization or similar company, a syndicate or any other group formed to acquire, hold or dispose of the equity securities of the savings bank; the term "offer" includes every offer to buy or otherwise acquire, solicitation of an offer to sell, tender offer for, or request or invitation for tenders of, a security or interest in a security for value; the term "acquire" includes every type of acquisition, whether effected by purchase, exchange, operation of law or otherwise; and the term "acting in concert" means knowing participation in a joint activity or conscious parallel action towards a common goal whether pursuant to an express agreement, or a combination or pooling of voting or other interests in the securities of an issuer for a common purpose pursuant to any contract, understanding, relationship, agreement or other arrangements, whether written or otherwise.

Cumulative Voting Limitation. Stockholders shall not be permitted to cumulate their votes for election of directors.

B)

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- c) Call for Special Meetings. Special meetings of stockholders relating to changes in control of the association or amendments to its charter shall be called only upon direction of the board of directors.

- 2) If the savings bank chooses to include the provisions allowed pursuant to this subsection, the language in subsection (a)(1) above constitutes the exact language that shall be used in the savings bank's articles of incorporation, except that in the subsection (a)(1) above, a number of years, up to 5 years, shall be substituted for the language, "[specify number of years up to five]."

- b) There may also be included in the articles of incorporation any provision that would be approved as an amendment pursuant to Section 1075.1710. Such provisions must be approved by the Commissioner. Application for such approval must include independent counsel's opinion that the proposed provision would be permitted to be adopted in a corporation chartered by Illinois pursuant to the Business Corporation Act of 1983.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.1995 Confidentiality of Consideration to Convert - Remedial Measures for Breach

A savings bank which is considering converting pursuant to this Subpart and its directors, officers, and employees shall keep this consideration in the strictest confidence and shall only discuss the potential conversion as would be consistent with the need to prepare information for filing an application for conversion. Should this confidence be breached the Commissioner may require remedial measures including:

- a) a public statement by the savings bank that its board of directors is currently considering converting pursuant to this Subpart;
- b) providing for an eligibility record date which shall be as of such a date before the adoption of the plan by the converting savings bank's board of directors as to assure that the conversion is equitable;

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- c) limitation of the subscription rights of any person violating or aiding the violation of this Section; and
- d) any other actions the Commissioner may consider appropriate and necessary to assure the fairness and equitability of the conversion.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2000 Public Statement Authorized

If it should become essential as a result of rumors before the adoption of a plan of conversion by the applicant's board of directors, a public statement limited to that purpose may be made by the applicant.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2005 Adoption of Plan of Conversion -- Notice To and Inspection by Account Holders -- Statement and Letter -- Press Release Authorized

- a) Promptly after the adoption of a plan of conversion by not less than two-thirds of its board of directors, the savings bank shall:

- 1) Notify, its account holders of the action by publishing a statement in a newspaper having general circulation in each community in which an office of the savings bank is located or by mailing a letter to each of its account holders; and
- 2) Have copies of the adopted plan of conversion available for inspection by its account holders at each office of the savings bank.

- b) The savings bank may also issue a press release with respect to the action. Copies of the proposed statement, letter, and press release are not required to be filed with the Commissioner but may be submitted to the Commissioner for comment. Copies of the definitive statement, letter, and press release shall be filed with the Commissioner as part of the application for conversion.

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(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2010 Statement, Letter and Press Release -- Content Permitted

The statement, letter, and press release of the applicant issued pursuant to Section 1075.2005, unless otherwise authorized by the Commissioner, shall contain only (but need not contain all of) the following:

- a) A statement that the board of directors has adopted a plan to convert the savings bank from a mutual savings bank to a capital stock savings bank;
- b) A statement that the plan of conversion is subject to approval by the Commissioner and by the appropriate federal regulatory authority or authorities (naming such an authority or authorities) before the plan can become effective and that account holders of the applicant will have an opportunity to file written comments including objections and materials supporting the objections with the Commissioner;
- c) A statement that the plan of conversion is contingent upon obtaining favorable tax rulings from the Internal Revenue Service or an appropriate tax opinion;
- d) A statement that there is no assurance that the approval of the Commissioner or the approval of any appropriate federal authority or authorities will be obtained, and also no assurance that the favorable tax rulings or tax opinion will be received;
- e) The proposed record date for determining the eligible account holders entitled to receive nontransferable subscription rights to purchase capital stock of the applicant;
- f) A brief statement describing the circumstances that would require supplemental eligible account holders to receive nontransferable subscription rights to purchase capital stock of the applicant;
- g) A brief description of the plan of conversion;
- h) The par value and approximate number of shares of Capital stock to be issued and sold under the plan of

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conversion:

i) A brief statement as to the extent to which directors, officers, and employees will participate in the conversion;

j) A statement that savings account holders will continue to hold accounts in the converted savings bank identical as to dollar amount, rate of return, and general terms and that their accounts will continue to be insured by the Federal Deposit Insurance Corporation;

k) A statement that borrowers' loans will be unaffected by conversion and that the amount, rate, maturity, security, and other conditions will remain contractually fixed as they existed before conversion;

l) A statement that the normal business of the savings bank in accepting savings and making loans will continue without interruption; that the converted savings bank will continue after conversion to conduct its present services to savings account holders and borrowers under current policies to be carried on in existing offices and by the present management and staff;

m) A statement that the plan of conversion may be substantively amended or ended by the board of directors with the concurrence of the Commissioner; and

n) A statement that questions of account holders may be answered by telephoning or writing to the savings bank.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2015

Statement, Letter and Press Release -- Contents Prohibited -- Inquiries

The statement, letter, and press release of the applicant issued pursuant to Section 1075.2005 shall not include financial statements or describe the benefits of conversion or the value of the capital stock of the savings bank upon conversion. In replying to inquiries, the savings bank should limit its answers to the matters listed in Section 1075.2010.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

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Section 1075.2020 Notices of Filing of Application -- Requests for Subscription Offering Circular

Upon determination that an application for conversion is properly executed and is not materially incomplete, the Commissioner shall advise the applicant, in writing, to publish notices of the filing of the application. Promptly after receipt of the advice, the applicant shall prominently post the notice in each of its offices and publish a notice of the filing in a newspaper printed in the English language and having general circulation in each community in which an office of the applicant is located.

a) The first notice shall be entitled: "Notice of Filing of an Application for Approval to Convert to a Stock Savings Bank".

b) The first paragraph under the title shall read as follows:

"Notice is hereby given that, pursuant to 38 Ill. Adm. Code 1075.2020, (fill in name of applicant), has filed an application with the Commissioner of Savings and Residential Finance for approval to convert to the stock form of organization. Copies of the application have been delivered to the Commissioner's Office in Chicago and Springfield, Illinois."

c) The second paragraph under the title shall read as follows:

"Written comments, including objections to the plan of conversion and materials supporting the objections, from any account holder of the applicant or aggrieved person, will be considered by the Commissioner if filed within twenty business days after the date of this notice. Failure to make written comments in objection may preclude the pursuit of any, administrative or judicial remedies. Three copies of the comments should be sent to the aforementioned. The proposed plan of conversion and any comments thereon will be available for inspection by any account holder of the applicant at the Commissioner's Office in Chicago and Springfield, Illinois. A copy of the plan may also be inspected at each office of the applicant. If a significant number of the applicant's account holders speak a language other

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than English and a newspaper in that language is published in the area served by the applicant, an appropriate translation of the notice shall also be published in that newspaper. A notice sent by mail may be with the statement that the converting institution will not mail a subscription offering circular to an eligible account holder or a supplemental eligible account holder unless the eligible account holder, before the beginning of the subscription offering, requests the subscription offering circular by returning a postcard. The issuer of stock in the conversion shall pay the postage of this postcard and shall inform the eligible account holder or supplemental eligible holder that the postage is paid."

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2025 Filing of Notice and Affidavit of Publication Required

Promptly after publication of the notices prescribed in Section 1075.2020 in this Part, the applicant shall file with the Commissioner the notice and affidavit of publication from each newspaper publisher in the manner the Commissioner shall require.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2030 Application Available for Public Inspection - Confidential Information

Should the applicant desire to submit any information it considers to be of a confidential nature regarding any portion of the application under this Subpart, such information may be submitted pursuant to Section 1075.2220(k).

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2035 Solicitation of Proxies; Proxy Statements

a) Solicitations to which this Section applies -- this Section applies to every solicitation of a proxy from a member of a savings bank for the meeting at which a plan of conversion will be voted upon, except the following:

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- 1) any solicitation made otherwise than on behalf of the management of the savings bank where the total number of persons solicited is not more than 50;
- 2) any solicitation through the medium of a newspaper advertisement which informs members, following approval of the plan of conversion, of a source from which they may obtain copies of a proxy statement, form of proxy, or any other solicitation material and does no more than;

- A) name the savings bank.
- B) state the reason for the advertisement.
- C) identify the proposal or proposals to be acted upon by members, and
- D) urge members to vote at the meeting.

b) Use of Proxy Soliciting Material To Be Authorized -- no proxy solicitation material required to be filed with the Commissioner before use shall be furnished to members or otherwise released for distribution until the use of such material has been authorized in writing by the Commissioner. Proxy material authorized for use by the Commissioner shall be mailed to the members within 10 days of such authorization unless extended by the Commissioner in writing upon a showing that adherence to the ten day rule would work a hardship upon the savings bank and that the delay, if approved, would not be disadvantageous to any interested party.

c) Information To Be Furnished Members -- no solicitation shall be made unless each person solicited is concurrently furnished, or has previously been furnished, a written proxy statement the use of which has been authorized in writing by the Commissioner.

d) Requirements As To Proxy:

- 1) The form of proxy shall:
 - A) indicate in bold face type whether the proxy is solicited on behalf of management;
 - B) provide specifically designated blank spaces

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for dating and signing the proxy:

- C) identify clearly and impartially each matter or group of related matters intended to be acted upon;
- D) be clearly labeled "Revocable Proxy" in bold face type of at least 18 point;
- E) describe any charter or state law requirement restricting or conditioning voting by proxy;
- F) contain an acknowledgement by the person giving the proxy that the person has received a proxy statement before signing the form of proxy;
- G) contain the date, time, and place of meeting, if practicable;
- H) provide, by a box or otherwise, a means whereby the person solicited is afforded an opportunity to specify by ballot a choice between approval or disapproval of each matter intended to be acted upon; and
- I) indicate in bold face type how the proxy shall be voted on each such matter if no choice is specified.

2) No proxy obtained pursuant to the conversion shall confer authority to vote at any meeting other than the meeting, or any adjournment thereof, to vote on the plan of conversion. A proxy may be considered to confer authority to vote with respect to matters incident to the conduct of such meeting. If the plan of conversion is considered at an annual meeting, existing proxies may be voted with respect to matters not related to the plan of conversion or in accordance with subsection (d)(4) below.

3) The proxy statement or form of proxy shall provide that the votes represented by the proxy will be voted. Where the person solicited specifies by a ballot provided pursuant to subsection (d)(1)(H) above a choice with respect to any matter to be acted upon, the votes will be voted in accordance with the specifications. If no choice is

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specified, the votes will be cast as indicated in bold face type on the form of proxy.

- 4) Notwithstanding any other provisions of this subsection, the proxy may be in a form previously obtained from a voting member and conferring general authority to vote on all matters at any meeting of the members or other authority to vote on matters to be presented at the special meeting if the voting member has been furnished a proxy statement conforming with Sections 1075.2300 through 1075.2460 and has been notified that a previously obtained proxy will be exercised if the voting member does not grant a later-dated proxy to vote at the meeting to consider the plan of conversion or attend the meeting and vote in person.

e) Material Required To Be Filed:

- 1) Applicants shall file a preliminary copy of the proxy materials required by Sections 1075.2300 through 1075.2460.
- 2) A preliminary copy of any additional solicitation material including press release and radio or television scripts, to be used or furnished to members subsequent to furnishing the proxy statement, shall be filed with the Commissioner at least 5 business days before the date on which the Commissioner is requested to authorize the use of such material. Speeches may, but need not, be filed with the Commissioner before use.
- 3) A copy of the proxy statement and a copy of the form of proxy and all other solicitation material, in the form in which such material is furnished to members, shall be filed with or mailed for filing to the Commissioner not later than the date such material is first sent or given to members. All materials filed pursuant to this subsection shall be with a statement of the date on which copies of such materials are to be released to members.
- 4) If the solicitation is to be made in whole or in part by personal solicitation, a preliminary copy of all written instructions or other material which discusses or reviews, or comments upon the merits

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of, any matter to be acted upon and which is to be furnished to the individuals making the actual solicitation for their use directly or indirectly in connection with the solicitation shall be filed with the Commissioner at least 5 business days before the date on which the Commissioner is requested to authorize the use of such material.

- 5) All preliminary copies of material filed pursuant to subsections (e)(1), (2), and (4) above shall be clearly marked on the cover page "Preliminary Copy." Such preliminary copies shall be for the information of the Commissioner only and shall not be available for public inspection except that such material may be disclosed to any department or agency of the United States, this State, or any other state, that has concurrent jurisdiction over the applicant. The Commissioner may make such inquiries or investigation in regard to the material as may be necessary for an adequate review.

- 6) Unless requested by the Commissioner, copies of replies to inquiries from members and copies of communications which do no more than request that forms of proxy theretofore solicited be signed and returned need not be filed pursuant to this subsection.

- 7) Where any proxy statement, form of proxy or other material filed pursuant to this subsection is amended or revised, a copy of such amended or revised material filed with the Commissioner shall be marked to indicate clearly and precisely the changes effected subsequent to the previous filing.

f) Mailing Communications For Member -- if the applicant has adopted a plan of conversion, the applicant shall perform such of the following acts as may be duly requested in writing with respect to a matter to be considered at the meeting to vote on the plan of conversion by any member who will defray the reasonable expenses to be incurred by the applicant in the performance of the act or acts requested:

- 1) The applicant shall mail or otherwise furnish to such member the following information as promptly as practicable after the receipt of such request:

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- A) a statement of the approximate number of members who have been or are to be solicited on behalf of management, or any group of members which the member shall designate;
- B) an estimate of the cost of mailing a specified proxy statement, form of proxy, or the communication to such members.
- 2) Copies of any proxy statement, form of proxy, or other communication furnished by the member and as approved by the Commissioner shall be mailed by the applicant to such of the members specified in subsection (f)(1)(A) above as the member may designate.
- 3) Any such material which is furnished by the member shall be mailed with reasonable promptness by the applicant after receipt of the material to be mailed, including envelopes or other containers, and the appropriate postage or payment for postage.
- 4) Neither management nor the applicant shall be responsible for such proxy statement, form of proxy, or other communication.

g) False And Misleading Statements:

- 1) No solicitation of a proxy by the applicant, its management, or any other person for the meeting to vote on the plan of conversion shall be made by any proxy statement, form of proxy, notice of meeting, or other communication, written or oral, containing any statement which, at the time and in the light of the circumstances under which it is made, is false or misleading with respect to any material fact, or which omits to state any material fact necessary in order to make the statements therein not false or misleading or necessary to correct any statement in any earlier communication with respect to the solicitation of a proxy for the meeting which has become false or misleading.
- 2) The fact that a proxy statement, form of proxy, or other solicitation material has been filed with or examined by the Commissioner and authorized for use shall not be considered a finding by the

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Commissioner that such material is accurate or complete or not false or misleading, or that the Commissioner has passed upon the merits of or approved any proposal contained therein. No representation to the contrary shall be made by any person.

- 3) If a solicitation by management violates any provision of this Section, the Commissioner may require remedial measures including:
- A) correction of any such violation by a retraction and new solicitation.
- B) rescheduling of the meeting for a vote on the plan of conversion, and
- C) any other actions the Commissioner finds appropriate under the circumstances in order to ensure a fair vote.
- h) Prohibition Of Certain Solicitations -- no person soliciting a proxy from a member for the meeting to vote on the plan of conversion shall solicit:
- 1) any undated or post-dated proxy; or
- 2) any proxy which provides that it shall be dated as of any date subsequent to the date on which it is signed by the members; or
- 3) any proxy which is not revocable at will by the member giving it; or
- 4) any proxy which is part of any other document or instrument, such as an account card.
- (Source: Added at 17 Ill. Reg. _____, effective _____, 1993)
- Section 1075.2040 Vote by Members
- a) Following approval of the plan of conversion by the Commissioner, the plan of conversion shall be submitted for consideration to an annual or special meeting of members.
- b) Notice of the meeting to consider a plan of conversion

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shall be given by the proxy statement authorized for use by the Commissioner. For the purposes of this subsection, the proxy statement may be in summary form, provided:

1) A statement is made in bold-face type on the notice to members required under this subsection that a more detailed description of the proposed transaction may be obtained by returning an attached postage-paid postcard or other written communication requesting a supplemental information statement which, together with the summary proxy statement, complies with the requirements of this Subpart;

2) The last date on which the summary proxy statement is mailed to members will be considered the date on which notice is given for the purposes of this subsection. Without prior approval by the Commissioner, the special meeting of members shall not be held fewer than 20 days after the last date on which the supplemental information statement is mailed to requesting members;

3) The supplemental information statement required to be furnished to members may be combined with any form prescribed under Sections 1075.2500 through 1075.2580, if the subscription offering is started concurrently with or during the proxy solicitation period pursuant to Section 1075.1925(a);

4) The summary proxy statement shall be prepared in accordance with the following requirements:

A) All the requirements of Sections 1075.2300 through 1075.2460, except:

i) Section 1075.2360;

ii) Section 1075.2370(c) through (m) and (o);

iii) Section 1075.2440; and

iv) Section 1075.2450(b)

B) The disclosure requirements of Sections 1075.2380(j), 1075.2390 and 1075.2430 may be prepared in summary form.

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C) The disclosure requirements of Section 1075.2350 may be met through disclosure of the names, ages, and present occupations of all directors and executive officers.

D) The plan of conversion shall not be required to be attached to the summary proxy statement under Section 1075.2460.

c) The plan of conversion shall be approved by a vote of at least two-thirds of the total outstanding votes.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2045 Offers and Sales of Securities -- Prohibitions

No offer to sell securities of an applicant pursuant to a plan of conversion may be made before approval by the Commissioner of the application for conversion and before any approval necessary to maintain federal deposit insurance. No sale of these securities in the subscription offering may be made except by the final offering circular for the subscription offering. No sale of unsubscribed securities may be made except by the final offering circular for the public offering or direct community marketing. The offering of shares in the direct community marketing may begin during the subscription offering upon the declaration of effectiveness by the Commissioner of the offering circular proposed for the community offering. This Section shall not apply to preliminary negotiations or agreements between an applicant and any underwriter or among underwriters who are to be in privacy of contract with the applicant.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2050 Distribution of Offering Circulars Authorized

Any preliminary offering circular for the subscription offering, the public offering, or the direct community marketing which has been filed with the Commissioner may be distributed to eligible account holders or supplemental eligible account holders and to others in connection with the offering after the Commissioner has advised the applicant in writing that the application is properly executed and is not materially incomplete under Section 1075.2020. No final offering circular may be distributed until the offering circular has been declared effective by the Commissioner.

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(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2055 Preliminary Offering Circular for Subscription Offering -- Estimated Subscription Price Range Required

With respect to the capital stock of the applicant to be sold under the plan of conversion, any preliminary offering circular for the subscription offering may set forth the estimated subscription price which may be stated as the pro forma market value.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2060 Review of Price Information by Commissioner

The Commissioner shall review the price information required under Section 1075.2055 in determining whether to give approval to an application for conversion. No representations may be made in any manner that the price information has been approved by the Commissioner or that the shares of capital stock sold pursuant to the plan of conversion have been approved or disapproved by the Commissioner or that the Commissioner has passed upon the accuracy, or adequacy of any offering circular covering the shares.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2065 Underwriting Commission

Underwriting commissions shall not exceed an amount or percentage per share accepted as reasonable by the Commissioner. No underwriting commission may be allowed or paid with respect to shares of capital stock sold in the subscription offering; however, an underwriter may be reimbursed for accountable expenses in connection with the subscription offering. In the case in which no public offering occurs, an underwriter may be paid a consulting fee reasonable under the circumstances as the Commissioner shall accept. The term "underwriting commissions" includes underwriting discounts.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

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Section 1075.2070 Consideration of Pricing Information by Commissioner -- Guidelines

In considering the pricing information required under Section 1075.2055, the Commissioner shall apply the following guidelines.

- a) The materials shall be prepared by persons independent of the applicant, experienced and expert in the area of corporate appraisal, and acceptable to the Commissioner.
- b) The materials shall contain data which are sufficient to support the conclusions reached therein.
- c) The materials shall contain a complete and detailed description of the appraisal methodology employed.
- d) To the extent that the appraisal is based on a capitalization of the pro forma income of the converted savings bank, the materials shall indicate the basis for determination of the income to be derived from the proceeds of the sale of stock and demonstrate the appropriateness of the earnings multiple used, including assumptions made as to future earnings growth. To the extent that the appraisal is based on comparison of the capital stock of the applicant with outstanding capital stock of existing stock savings banks or stock savings and loan associations, the materials shall demonstrate the appropriate comparability of the form and substance of the outstanding capital stock and the of the existing stock savings banks and stock savings and loan associations in terms of such factors as size, market area, competitive conditions, profit history, and expected future earnings.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2075 Submission of Information by Applicant

- a) In addition to the information required in Section 1075.2070, the applicant shall submit information demonstrating to the satisfaction of the Commissioner the independence and expertise of any person preparing materials under Section 1075.2070. However, a person will not be considered as lacking independence because the person will participate in effecting the sale of capital stock under the plan of conversion or will receive a fee from the applicant for services given in

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connection with the appraisal only if the person provides full and accurate disclosure of the fact of participation and receipt of fee to the Commissioner and in the offering circular. The Commissioner shall find no disclosure full and adequate unless the following information is clearly and prominently stated:

explaining how to properly complete the order forms.

1) the extent to which the person is directly or indirectly involved in preparing material required by Section 1075.2070 and in effecting the sale of capital stock under the conversion plan; and

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

2) an itemized statement of fees received for preparing information required by Section 1075.2070 and for all other services given.

The maximum subscription price stated on each order form distributed pursuant to Section 1075.2080 shall be the amount to be paid when the order form is returned.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2095 Order Form -- Contents

b) The Commissioner may require additional disclosures where necessary to ensure the integrity and accuracy of the information presented pursuant to Section 1075.2070.

Each order form distributed pursuant to Section 1075.2080 shall be prepared so as to indicate to the person receiving it, in as simple, clear, and intelligible a manner as possible, the actions which are required or available to the person with respect to the form and the capital stock offered for purchase thereby. Specifically, each order form shall:

c) No information provided pursuant to Section 1075.2070 shall be approved by the Commissioner unless the Commissioner finds that full and adequate disclosure required by this Section has been made.

a) Indicate the maximum number of shares that may be purchased pursuant to the subscription offering;

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

b)

Section 1075.2080 Subscription Offering -- Distribution of Order Forms for the Purchase of Shares

Promptly after the Commissioner has declared the offering circular for the subscription offering effective, the applicant shall distribute order forms for the purchase of shares of capital stock, in the subscription offering to all eligible account holders, supplemental eligible account holders (if applicable), and other persons who may subscribe for the shares under the plan of conversion.

c) State the maximum subscription price per share of capital stock;

d) Indicate any requirements as to the minimum number of shares of capital stock which may be purchased;

e) Provide a specifically designated blank space or spaces for indicating the number of shares of capital stock which the eligible account holder or other person wishes to purchase;

Section 1075.2085 Order Forms -- Final Offering Circular and Detailed Instructions

Each order form distributed pursuant to Section 1075.2080 shall be accompanied or preceded by the final offering circular for the subscription offering and a set of detailed instructions

f) Indicate that payment may be made by cash if delivered in person or by check or by withdrawal from an account holder's savings account. If payment is to be made by withdrawal, a box to check should be provided;

g) Provide specifically designated blank spaces for dating

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and signing the order form:

h) Contain an acknowledgment by the account holder or other person signing the order form that the person has received the final offering circular for the subscription offering before signing; and

i) Indicate the consequences of failing to properly complete and return the order form, including a statement that the subscription rights are nontransferable and will become void at the end of the subscription period. The order form may, and the set of instructions shall, indicate the place or places to which the order forms are to be returned and when the applicant will consider order forms received, such as by date and time of actual receipt in the applicant's offices or by date and time of postmark.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2100 Order Form -- Additional Provision Authorized -- Payment by Withdrawal

The order form distributed pursuant to Section 1075.2080 may provide that it may not be modified without the applicant's consent after its receipt as set forth in the order form. If payment is to be made by withdrawal from a savings account the applicant may, but need not, cause the withdrawal to be made upon receipt of the order form. If the withdrawal is made at any time before the closing date of the public offering, the applicant shall pay escrow interest to the account holder on the amount withdrawn as if the amount had remained in the account from which it was withdrawn until the closing date. If the withdrawal is not made until the closing date, the amount to be withdrawn on the closing date is unavailable for withdrawal by account holder.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2105 Time period for Completion of sale of All Shares of Capital Stock

The sale of all shares of capital stock of the converting savings bank to be made under the plan of conversion, including any sale in public offering or direct community marketing, shall be completed as promptly as possible and within forty-five calendar days after the last date of the subscription period, unless

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extended by the Commissioner.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2110 Continuity of Corporate Existence

Upon the filing of the articles of incorporation of a converted savings bank with the Commissioner in accordance with Section 1075.2160, the corporate existence of the mutual savings bank converting to a stock savings bank pursuant to this Subpart shall not discontinue but the converted savings bank shall be a continuation of the entity of the mutual savings bank so converted having the same rights and obligations as it had before the conversion.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2115 Application to Furnish Information

Every application shall furnish information in accordance with this Subpart. If applicable, the applicant shall furnish information in accordance with Section 1075.1700.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2120 Additional Filing Requirements

An applicant whose plan of conversion has been approved by the Commissioner shall fulfill the following requirements.

a) The applicant shall file with the Commissioner promptly after the meeting of members called to consider the plan of conversion a certified copy of each resolution adopted at such meeting relating to the plan of conversion, together with the following statements:

- 1) The total number of votes eligible to be cast;
- 2) The total number of votes represented in person or by proxy at the meeting;
- 3) The total number of votes cast in favor of and against each such matter (the compilation of the votes cast at the meeting may be prepared for the savings bank by an independent public accountant,

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or by an independent transfer agent):

- 4) The percentage of votes necessary to approve each such matter.

b) The applicant shall file with the Commissioner promptly after the meeting of savings bank members called to consider the plan of conversion an opinion of counsel to the effect that:

- 1) The meeting of members was duly held in accordance with all requirements of applicable law and regulation;

- 2) All requirements of State law applicable to the conversion have been complied with; and

- 3) If the savings bank has used proxies executed before the proxy solicitation required by Section 1075.2035, the authority conferred by such proxies includes authority to vote on the plan of conversion.

c) Each offering circular for the offering shall be prepared in compliance with this Subpart. The applicant shall file with the Commissioner five copies of each preliminary offering circular and ten copies of each final offering circular.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2125 **Availability for Conferences in Advance of Filing of Application -- Refusal of Prefiling Review**

a) The Commissioner's office shall be available for conferences with prospective applicants or their representatives in advance of filing an application to convert. These conferences may be held to discuss generally the problems confronting an applicant in effecting conversion or to resolve specific problems of an unusual nature.

b) Prefiling review of an application may be refused by the staff of the Commissioner if the review would delay the examination and processing of material which has already been filed or would favor certain applicants at the

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expense of others.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2130 **Appeal from Refusal to Approve Application**

From the Commissioner's refusal to approve an application for conversion, the applicant may, within thirty days from the date of the mailing by the Commissioner of notice of refusal to approve, appeal pursuant to Subpart I of this Part and the Illinois Administrative Procedure Act (5 ILCS 100 1-1 et seq.).

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2135 **Postconversion Reports**

The applicant shall file such postconversion reports concerning its conversion as the Commissioner may require.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2140 **Certain Agreement to Transfer and Transfers of Ownership in Rights or Securities Prohibited**

Before completion of a conversion, no person may transfer or enter into any, agreement or understanding to transfer the legal or beneficial ownership of conversion subscription rights, or the underlying securities, to the account of another.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2145 **Certain Offers and Announcements on Securities Prohibited**

Before completion of a conversion, no person may make any offer, or announcement of an offer or intent to make an offer, for any security of a converting savings bank issued or to be issued in connection with the conversion. Nor shall any person knowingly acquire securities of the converted savings bank issued in connection with the conversion in excess of the maximum purchase limitations established in the savings bank's approved plan of conversion.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

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Section 1075.2150 Certain Offers and Acquisitions Prohibited

a) Except as required by the federal insurer of accounts or the Commissioner, for three years following the date of the conversion no person may directly or indirectly offer to acquire or acquire the beneficial ownership of more than ten percent of any class of an equity security of any savings bank converted in accordance with this Subpart without the prior written approval of the board of directors and Commissioner. Where any person, directly or indirectly, acquires beneficial ownership of more than ten percent of any class of any equity security of a savings bank converted in accordance with this Subpart, without the prior written approval of the Commissioner as required by this Section, the securities beneficially owned by such person in excess of ten percent shall not be counted as shares entitled to vote and shall not be voted by any person or counted as voting shares in connection with any matter submitted to the stockholders for a vote. For the purposes of this Section, a person shall be considered to have acquired beneficial ownership of more than ten percent of a class of equity security of a savings bank where the person holds any combination of stock or revocable or irrevocable proxies of the savings bank.

b) A conversion shall be complete on the date all the converting savings bank's conversion stock was sold.

c) An acquisition of shares shall be presumed to have been made if the acquiror entered into a binding written agreement for the transfer of shares. An offer shall be considered made when communicated.

d) The Commissioner shall not approve an application involving an offer for, an announcement thereof, or an acquisition of any security of a converted savings bank if the Commissioner finds that the offer frustrates the purposes of this Subpart, is manipulative or deceptive, subverts the fairness of the conversion, is likely to result in injury to the savings bank, is not consistent with The Act, is otherwise violative of law or regulation, or would not contribute to the prudent deployment of the savings bank's conversion proceeds.

e) Subsection (a) above shall not apply to any offer with

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a view toward public resale made exclusively to the savings bank or to the underwriters or a selling group acting on its behalf.

f) Unless made applicable by the Commissioner by prior advice in writing, the restriction contained in subsection (a) above shall not apply to any offer or announcement of an offer which if consummated would result in the acquisition by a person, together with all other acquisitions by the person of the same class of securities during the preceding 12-month period, of not more than one percent of the class of securities.

g) Subsection (a) above shall not apply to the acquisition of securities of a savings bank or holding company thereof by any one or more employee stock benefit plans of such savings bank or holding company if the plan or plans do not have beneficial ownership in the aggregate of more than twenty-five percent (25%) of any class of equity security of the converted savings bank or holding company.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2155 Definitions -- Certain Transfers, Offers and Acquisitions Prohibited

For Sections 1075.2140 and 1075.2150, the following definitions apply:

a) The term "person" includes an individual, a group acting in concert, a corporation, a partnership, an association, a joint stock company, a trust, an unincorporated organization or similar company, a syndicate or any other group formed to acquire, hold or dispose of securities of a savings bank.

b) The term "offer" includes every offer to buy or acquire, solicitation of an offer to sell, tender offer for, or request or invitation for tenders of, a security or interest in a security for value except that the term "offer" shall not include:

1) Inquiries directed solely to the management of a savings bank and not intended to be communicated to stockholders, designed to elicit an indication of management's receptivity to the basic structure of

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a potential acquisition with respect to the amount of securities, manner of acquisition and formula for determining price, or

- 2) Non-binding expressions of understanding or letters of intent with the management of a savings bank regarding the basic structure of a potential acquisition with respect to the amount of securities, manner of acquisition, and formula for determining price.

- c) The term "acquire" includes every type of acquisition, whether effected by purchase, exchange, operation of law or otherwise.

- d) The term "security" includes nontransferable subscription rights issued pursuant to a plan of conversion as well as a "security" as defined in the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)(10)).

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2160

Amendments to Charter Required in Application -- Articles of Incorporation -- Filing of Certificate Required -- Contents -- Issuance and Filing of Authorization Certificate

- a) An application for conversion under this Subpart shall include amendments to the articles of incorporation of the converting savings bank.

- b) When all the stock of a converting savings bank has been subscribed for in accordance with the plan and any amendments thereto, the board of directors shall thereupon issue the stock and shall cause to be filed with the Commissioner, in triplicate, a certificate subscribed and acknowledged by the persons who are to be directors of the converted savings bank, stating:

- 1) That all the stock of the converted savings bank has been issued;
- 2) That the attached articles of incorporation have been executed by all the persons who are to be directors of the converted savings bank;
- 3) The place where the bank is to be located and its

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business transacted, naming the city, or town and county, which city or town shall be the same as that where the principal place of business of the predecessor mutual savings bank has been located;

- 4) The name, occupation, residence, and post office address of each signer of the certificate;
- 5) The amount of the assets of the predecessor mutual savings bank, the amount of its liabilities and undivided profits as of the first day of the current calendar month; and
- 6) A declaration that each signer will accept the responsibilities and faithful discharge the duties of a director of the converted savings bank and is free from all the disqualifications specified in the laws applicable to converted savings banks.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2165

Conversions Incident to Acquisition by Savings Bank Holding Company or Merger or Consolidation with Savings Bank Holding Company Subsidiary -- Restriction on Sale of Shares of Stock by Directors and Officers

- a) In a conversion of a mutual savings bank that is in the process of acquisition by a savings bank holding company, or in the process of merger or consolidation with a subsidiary of a savings bank holding company, the restrictions imposed by Section 1075.1890 on resale of stock apply to shares of the holding company purchased on original issue by any director or officer of the converting savings bank that is in the process of acquisition, merger, or consolidation, and the restrictions imposed by this Subpart apply to the ownership of capital stock in the holding company with the same force and effect as they would apply to the ownership of capital stock of the unconverted mutual savings bank, if shares of this savings bank were offered to depositors or the public pursuant to this Subpart.

- b) The tender of shares by directors and officers of a converted savings bank in exchange for shares of another converted savings bank, or for shares of a holding

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company, do not constitute a sale for purposes of Section 1075.1890. However, the shares received in such an exchange shall not be sold for a period of one year following the date of such purchase on original issue, except that the Commissioner may waive this restriction upon a finding that allowing a sale would substantially contribute to averting otherwise unavoidable injury to a savings bank.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2170 Sale of Control in Connection with the
Conversion of a Mutual Savings Bank to Capital
Stock Savings Bank

a) Opinion of financial advisor:

1) A mutual savings bank not meeting an applicable capital requirement as of the end of the most recent period for which such savings bank has prepared audited financial statements, may seek approval to convert to stock form pursuant to a plan of conversion which provides for the sale of its capital stock to a person or persons who will be in control of such savings bank upon the purchase of such capital stock. Such savings bank shall be required to retain a reputable financial advisor with expertise in valuing financial institutions to advise it as to the fairness of the consideration to be paid by the proposed acquiror. The financial advisor shall furnish a written opinion specifically informing the converting savings bank as to the fairness from a financial point of view to the converting savings bank of the proposed consideration.

2) Such written opinion shall specifically disclose in reasonable detail:

- A) the professional standards employed by the financial advisor in arriving at its conclusions; and
 - B) the factual basis upon which such conclusions were reached.
- 3) The opinion shall specifically state whether the

financial advisor, in arriving at its conclusions as to the fairness of the proposed consideration has made efforts to determine whether, in its judgment, there is the reasonable significant probability that financially able purchasers of the character generally capable of securing regulatory approval other than the proposed acquiror, given an opportunity, might have made good faith offers to purchase control of the converting savings bank for a consideration materially greater than that proposed to be paid by the proposed acquiror, and has compared the consideration to be paid by the proposed acquiror with the consideration paid in the purchase of other savings banks or savings and loan associations of comparable size, market area, profit history, competitive conditions and projected future earnings.

4) If the financial advisor has made any such efforts or any such comparisons, the nature and scope of such efforts and comparisons shall be discussed in detail. The written opinion shall state whether and on what basis the financial advisor believes that the consideration to be paid by the proposed acquiror exceeds the aggregate amount of net proceeds which the converting savings bank could have realized if the capital stock to be sold to the proposed acquiror had been sold in a subscription offering followed by an underwritten public offering. The written opinion shall be delivered to the Commissioner before any approval of the application for conversion will be granted by the Commissioner.

b) No solicitation of proxies in connection with a conversion pursuant to this Section shall be made unless the person so solicited is concurrently furnished with or has been previously furnished with a proxy statement or a short-form proxy statement complying with this Subpart. If the persons to whom capital stock is offered or sold pursuant to a conversion effected in compliance with this Section shall exceed 20 in number, each of such persons shall be furnished with an offering circular complying with this Subpart before the consummation of any such sale.

c) In the case of a proposed conversion pursuant to this Section, the converting savings bank, together with the

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proposed acquiror, shall file with the Commissioner an application containing the information applicable to acquisition of control of savings bank pursuant to Section 1075.1700. Such application shall be submitted to the Commissioner, which shall grant or deny the application in accordance with Section 1075.1700.

d) To the extent that capital stock is purchased by a person or persons pursuant to a conversion effected pursuant to this Section, the applicant, unless otherwise required by this Section, need not comply with the following Sections of this Part: 1075.1835; 1075.1840; 1075.1845; 1075.1850; 1075.1855; 1075.1875; 1075.1890; 1075.1910; 1075.1935; 1075.2010(e) and (f); 1075.2080; 1075.2085; 1075.2090; 1075.2095; and 1075.2100.

e) To the extent that capital stock is not purchased by a person or persons pursuant to a conversion effected pursuant to this Section, the applicant is not so excused from compliance.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2200 Application -- Application Requirements

An application to convert from a mutual savings bank to a capital stock savings bank shall contain information as required by this Subpart. In addition to the information expressly required to be included in any application under this Subpart, there shall be added such further material information, if any, as may be necessary to make the required statements, in the light of the circumstances under which they are made, not misleading.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2210 Application -- Filing the Application and Fees

a) An application shall be prepared by a mutual savings bank that proposes to convert to a stock owned savings bank. The application must demonstrate that the applicant complies with The Act and Rules promulgated thereunder. Not including copies filed pursuant to Section 1075.2020, three completed manually signed copies with all exhibits, with an application fee of ten thousand dollars, shall be filed with the Commissioner.

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Office of the Commissioner of Savings and Residential Finance, 205 West Randolph Street, Suite 1900, Chicago, Illinois 60606. The date a document is actually received by the Commissioner shall be the date of filing thereof.

b) Any application for approval that is improperly executed, or that does not contain copies of a plan of conversion, amendments to the charter of the applicant in the form of new articles of incorporation, proxy materials, and preliminary offering circulars for the subscription offering and for the public offering or direct community marketing, shall not be accepted for filing and shall be returned to the applicant. Any application for approval containing a materially incomplete plan of conversion, offering circular, or proxy statement shall be returned by the Commissioner to the applicant. Conversions effected pursuant to Section 1075.2170 need not file documents or information to the extent that Section 1075.2170(d) allows.

c) Signature page:

1) Every application and every amendment thereto filed shall include a signature page which shall be manually signed by:

- A) A duly authorized representative of the applicant on its behalf;
- B) Its principal executive officer;
- C) Its principal financial officer;
- D) Its principal accounting officer; and
- E) At least two-thirds of its directors.

2) Those signing the application shall attest on the signature page as follows:

- A) In submitting an application the applicant understands and agrees that, if further examinations, investigations, or appraisals are required by the Commissioner, they will be conducted by, or as approved by the Commissioner at the expense of the applicant and applicant will pay the costs thereof as

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computed by the Commissioner.

B) The application has been approved by at least two-thirds of the board of directors of the applicant. In accordance with The Act and the Rules promulgated thereunder by the filing of this application, the applicant by its duly authorized representative, the undersigned officers and each member of the applicant's board of directors severally represent:

- i) that each such person has read this application;
- ii) that in the opinion of each such person, he or she has made such examination and investigation as is necessary to enable him or her to express an informed opinion that this application complies to the best of his or her knowledge and belief with the application requirements of The Act and this Part.

3) If any name is signed to an application or any amendment thereto pursuant to a power of attorney, a manually signed copy of the power of attorney shall be filed with each copy of the application.

d) Except as provided in subsection (e) below, the filing of any application or amendment thereto under this chapter shall constitute a representation of the applicant by its duly authorized representative, the applicant's principal executive officer, the applicant's principal financial officer, and the applicant's principal accounting officer, and each member of the applicant's board of directors (whether the director has signed the application or any amendment thereto) severally that:

- 1) he or she has read the application or amendment,
- 2) in the opinion of each such person he or she has made such examination and investigation as is necessary to enable him or her to express an informed opinion that such application or amendment complies to the best of his or her knowledge and belief with the applicable requirements of this Subpart, and

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3) each such person holds this informed opinion.

e) The representations specified in subsection (d) above shall not be considered to have been made by any director of the applicant who did not sign the application or any amendment thereto, if, and only to the extent that, the director files with the Commissioner within ten business days after the filing of the application or amendment a statement describing those portions of the filing as to which he or she does not so represent.

f) If applicable, the applicant shall furnish information in accordance with Subpart N of this Part.

g) Consent of experts:

1) If any accountant, attorney, investment banker, appraiser, financial advisor, or other person whose profession gives authority to a statement made in any application under this Subpart is named as having prepared, reviewed, passed upon, or certified any part of the application, or any report or valuation for use in connection with the application, the written consent of the person shall be filed with the application. If any portion of an expert's report is quoted or summarized as such in any filing under this Subpart, the written consent of the expert shall expressly state that the expert consents to this quotation or summarization.

2) All written consents filed pursuant to this Section shall be dated and signed manually. A list of the consents shall be filed with the application. Where the consent of the expert is contained in the expert's report, the list shall state that the report contains the consent.

h) After the Office has reviewed the filed materials, the applicant may be required to furnish additional information as an amendment to the application. Further, the applicant may amend the application at its discretion. All amendments shall be clearly identified as such, numbered consecutively, and shall comply with all pertinent requirements of the application, including signature.

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- i) Whenever the Commissioner prohibits by order or otherwise the use of any filing under this Part, the form and contents of any filing used thereafter shall conform to the requirements of such order and the applicable regulations in effect at the time such prohibition is no longer effective.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2220 Application -- Preparing the Application

- a) Requirements as to paper and printing:

1) Applications shall be filed on good quality, unglazed, white paper approximately 8 1/2 by 13 or 8 1/2 by 11 inches in size, insofar as practicable. However, tables, charts, maps and financial statements may be on larger paper if folded to such sizes, and the plan of conversion, proxy statement and offering circular may be on a smaller paper if the applicant so desires.

2) Applications, and, insofar as practicable, all papers and documents filed as a part thereof, shall be printed, lithographed, mimeographed or typewritten. However, applications or any portion thereof may be prepared by any similar process which, in the opinion of the Commissioner, produces copies suitable for a permanent record. Irrespective of the process used, all copies of any such material shall be clear, easily readable and suitable for repeated photocopying. Debits in credit categories and credits in debit categories shall be designated so as to be clearly distinguishable as such on photocopies.

b) Every application shall include a cross reference sheet showing the location in the proxy statement and offering circular of the response to the appropriate section of this Part. If any such item is inapplicable, or the answer thereto is in the negative and is omitted, a statement to that effect shall be made in the cross reference sheet.

c) The body of all printed plans of conversions, proxy statements, and offering circulars, including all notes to financial statements and other tabular data included

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therein, shall be in roman type at least as large and as legible as 10-point modern type. However, to the extent necessary for convenient presentation, financial statements and other tabular data, including tabular data in notes, may be in roman type at least as large and as legible as 8-point modern type. All such type shall be leaded at least 2 points.

- d) Interpretation of requirements:

1) Unless the context indicates otherwise, the information required is only as to the applicant.

2) Whenever words relate to the future, they have reference solely to present intention.

3) Any words indicating the holder of a position or office include persons, by whatever titles designated, whose duties are those ordinarily performed by holders of such positions or offices.

- e) Incorporation of certain information by reference:

1) Where an item in an application calls for information not required to be included in the proxy statement or offering circular, matter contained in any other part of the application, including exhibits, may be incorporated by reference in answer, or partial answer, to such items.

2) No information may be incorporated by reference in a proxy statement or offering circular, unless the document containing such information is attached thereto or is summarized or outlined as provided in subsection (f) below. However, an offering circular may incorporate by reference the information contained in a proxy statement previously delivered, without need of summary or outline.

3) Material incorporated by reference shall be clearly identified in the reference. An express statement that the specified matter is incorporated by reference shall be made at the particular place in the application where the information is required. Matter shall not be incorporated by reference in any case where such incorporation would make the

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statement incomplete, unclear or confusing.

- f) Where a summary or outline of the provisions of any document is required, only a brief statement shall be made, in succinct and condensed form, as to the most important provisions of the document. In addition to such statement, the summary or outline may incorporate by reference particular items, sections or paragraphs of any exhibit and may be included in its entirety by such reference.

g) Presentation of information:

- 1) The information required in a proxy statement or offering circular need not follow the order of their presentation or other requirements in the appropriate sections. Such information shall not, however, be set forth in such fashion as to obscure any of the required information or any information necessary to keep the required information from being incomplete or misleading. Where a section requires information to be given in tabular form it shall be given in substantially the tabular form specified in the section.

- 2) All information contained in a plan of conversion, proxy statement or offering circular shall be set forth under appropriate captions or headings reasonably indicative of the principal subject matter set forth thereunder. Except as to financial statements and other tabular data, all information set forth in any form under this Subpart shall be divided into reasonably short paragraphs or sections.

- 3) Every proxy statement and offering circular shall include in the forefront thereof a reasonably detailed table of contents showing the subject matter of its various sections or subdivisions and the page number on which each such section or subdivision begins.

- 4) All information required to be included in a proxy statement or offering circular shall be clearly understandable without the necessity of referring to the particular Section of this Subpart. Except as to financial statements and information required in tabular form, the information set forth in a

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- 5) proxy statement or offering circular may be expressed in condensed or summarized form. Financial statements are to be set forth in comparative form, and shall include the notes thereto and the accountants' certificate or certificates.

- h) All amendments to an application under this Subpart shall be filed under cover of an appropriate facing sheet, shall be numbered consecutively in the order in which filed, and shall conform to all pertinent requirements of this Subpart.

- i) Information required needs to be given only insofar as it is known or reasonably available to the applicant. The applicant may not omit information that is in fact known regardless of whether such information was reasonably available. If any required information is unknown and not reasonably available to the applicant, either because the obtaining thereof would involve unreasonable effort or expense or because it rests peculiarly within the knowledge of another person not affiliated with the applicant, the information may be omitted, subject to the following conditions:

- 1) The applicant shall give such information on the subject as it has or can acquire without unreasonable effort or expense, together with the sources thereof; and

- 2) The applicant shall include a statement either showing that unreasonable effort or expense would be involved or indicating the absence of any affiliation with the person within whose knowledge the information rests and stating the result of a request made to the person for the information.

- j) The information provided should be presented in such a manner that the reader does not have to refer to the applicable section of this Subpart to understand what is being conveyed. It is not necessary that the applicant restate the text of any section, but the applicant should structure responses in such a manner as to clearly indicate to which section the response applies. The nonapplicability of any item should be affirmatively noted. The following shall be also applicable:

- 1) Include an index of sections and subsections.

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- 2) Exhibits and inserts are permissible if referenced under the appropriate section, with identification tabs attached.
- 3) If required information is not reasonably or economically available to the applicant, explanation for its omission should be included.
- 4) Material available for public inspection may be incorporated by reference in response to any section, but specified, including item, page, and paragraph number, if applicable.

k) Should the applicant desire to submit any information it considers to be of a confidential nature regarding the response to any part of an application, such information shall be separately bound and labeled in capital letters, "Confidential" and a statement shall be submitted therewith briefly setting forth the grounds on which such information should be treated as confidential. Only general reference thereto need be made of that "confidential" portion in the portion of the application which the applicant considers not to be confidential. If any material has been granted confidential treatment under State or Federal law, or by a government agency, or the New York Stock Exchange, such circumstances should be described. All materials filed as part of this application are available for inspection, except for portions which are bound and labeled in capital letters, "Confidential" and which the Commissioner determines to hold from public availability because of their confidential nature. The Commissioner will not permit public inspection or copying of any material that is, or would be confidential under State law. The Commissioner will advise the applicant of any decision to make available to the public information labeled in capital letters, "Confidential". It should be understood that it may be necessary for the Commissioner to release materials heretofore given confidential treatment. It should be further understood that even though parts of the application are considered "confidential" as far as public inspection thereof is concerned, the Commissioner may comment on the confidential submissions in any public statement in connection with the Commissioner's decision on the application without prior notice to the applicant.

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(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2230 Application -- Application Contents

The application shall include:

- a) The complete formal written plan adopted by the board of directors for conversion of the applicant to the stock form of organization. The terms of the plan submitted pursuant to this subsection will be a basis for the Commissioner's approval and the plan as approved will be distributed as an attachment to the proxy statement and the offering circular.
- b) Preliminary copies of the proxy statement and offering circular. The proxy statement and offering circular should be prepared in accordance with Sections 1075.2300, et seq. and 1025.2500 et seq. respectively, which are attached to the application.
- c) Preliminary copies of the form of proxy to be distributed to members by management of the applicant.
- d) The expected chronological order of the events connected with the plan of conversion beginning with the filing of this application through completion of the sale of all the capital stock under the Conversion Plan. Indicate the expected timing of any requisite approvals by other regulatory authorities. Indicate the proposed timing of all aspects of the subscription offering. If there will be an underwritten public or direct community marketing of the applicant's securities as part of the conversion plan, indicate the proposed timing of all aspects of such offering.
- e) If the applicant's Conversion plan contains an eligibility record date substantially earlier than 90 days before the date of adoption of the Conversion Plan by the board of directors, state the reason for the selection of such earlier date. Indicate the circumstances that will require the use of a supplemental eligibility record date.
- f) In substantially the tabular form indicated below the estimated expense of the conversion to the applicant:

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Legal.....
Postage and Mailing.....
Printing.....
Escrow or Agent Fees.....
Underwriting Fees.....
Appraisal Fees.....
Transfer Agent Fees.....
Auditing and Accounting.....
Proxy Solicitation Fees.....
Advertising.....
Other Expenses.....
Total.....

- 1) The applicant may exclude costs represented by salaries and wages of regular employees and officers if a statement to that effect is made. The cost of solicitation by specially engaged employees or paid solicitors under Section 1075.2330(b) shall be stated under "proxy Solicitation Fees."
- 2) If the applicant has any category of expenses exceeding \$10,000 which is not specified in this Section, such expense shall be itemized rather than including it under the category "Other Expenses".
- 3) If the solicitation is conducted other than by management of the applicant, the information required in this Section shall be provided with respect to the cost of such solicitation.

- g) A statement of the general effect of any charter provision, bylaw, contract, arrangement, statute, or regulation to be in effect during or after the conversion under which any underwriter, appraiser, lawyer, accountant or expert, or director or officer of the applicant will be insured or indemnified in any manner against any liability which he or she may incur in his or her capacity as such.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2240 Application -- Application Exhibits

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The following exhibits shall be attached to the application:

- a) The following documents, contracts and agreements:
 - 1) Proposed certificates for capital stock and any other securities to be issued;
 - 2) Proposed order forms with respect to the subscription rights;
 - 3) Any proposed stock option plan and form of stock option agreement;
 - 4) Any proposed management employment contracts;
 - 5) Any contract described in complying with Section 1075.2360;
 - 6) Contracts or agreements with paid solicitors described in complying with Section 1075.2330(b);
 - 7) Any material loan agreements relating to borrowing by the applicant other than from a Federal Home Loan Bank and other than subordinated debt securities approved by the Commissioner;
 - 8) Any appraisal agreement or proposed agreement, underwriting contracts or agreements among underwriters;
 - 9) Any proposed contracts or agreements among members of a group regarding the purchase of unsubscribed shares;
 - 10) Any required undertaking or affidavits by officers or directors purchasing shares in the conversion that they are acting independently;
 - 11) Any documents referred to in complying with Section 1075.2230(q);
 - 12) Any trustee agreements or indentures;
 - 13) Any agreements for the making of markets or the listing on exchanges of the stock of the converted savings bank. Documents, contracts and agreements which are furnished in proposed form under this exhibit shall be furnished in final form

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immediately after the meeting of members to consider the plan of conversion, except for documents which by their nature cannot be practically expected until a later time required by subsections (a)(8) and (9) above in which case they shall be furnished in substantially final form; and

14) Any documents referred to in complying with Section 1075.2230(g).

b) An opinion of counsel for the applicant regarding each of the following matters:

1) The legal sufficiency of the applicant's proposed certificates and order forms for capital stock and any other securities.

2) Whether State and, if applicable, federal law, requirements will be fulfilled by the Conversion Plan.

3) The legal sufficiency of the applicant's proposed charter and bylaws.

4) The continuation of insurance of the applicant's accounts by the Federal Deposit Insurance Corporation after conversion.

5) The type and extent of each class of voting rights in the applicant after conversion;

c) An opinion of:

1) the applicant's tax advisor or an Internal Revenue ruling as to the Federal income tax consequences of the Conversion Plan to the applicant and to the various account holders who receive nontransferable subscription rights to purchase capital stock; and

2) the applicant's tax advisor or, if applicable, a ruling from the appropriate State taxing authority as to any tax consequences of the Conversion Plan under the laws of this State. Such opinion should relate to the applicant and to eligible account holders;

d) Any materials required to be filed by Section 1075.2105 regarding the valuation of the applicant's capital

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stock. An applicant is not required to file such materials if the offering of capital stock will not begin before the meeting of members to vote on the Conversion Plan;

e) The notices to the applicant's members required by Sections 1075.2005 through 1075.2020;

f) Additional exhibits:

1) If information required pursuant to a relevant Section of this Part is not given for the reasons specified in Section 1075.2220(i), the statement required for each such omission.

2) All consents required to be filed by Sections 1075.2210(g) and 1075.2520.

3) If applicable, the statement required by Section 1075.2350 regarding events which occurred within the last ten years to directors of the applicant.

4) Any powers of attorney employed pursuant to Section 1075.2210(c).

5) Furnish the cross reference sheet referred to in Section 1075.2220(b).

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2300 Proxy Statement -- Information Required in Conversion Proxy Statement

a) The conversion proxy statement shall conform to the requirements of Sections 1075.2300 through 1075.2460.

b) Except as otherwise specifically provided, where any Section calls for information for a specified period in regard to directors, officers or other persons holding specified positions or relationships, the information shall be given in regard to any person who held any of the specified positions or relationships at any time during the period. However, information need not be included for any portion of the period during which such person did not hold any such position or relationship provided a statement to that effect is made.

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(Source: Added at 17 Ill. Reg. _____, effective _____,
1993)

Section 1075.2310 Proxy Statement -- Notice of Meeting

a) The cover page of the proxy statement shall give notice to the meeting of the members called by the board of directors to act upon the Plan of Conversion. The cover page shall include the date, time, and place of the meeting, a brief description of each matter to be acted upon at the meeting, the date of record for members entitled to vote at the meeting, the date of the statement, and the full address, ZIP code and telephone number of the applicant.

b) If the applicant intends to use previously obtained proxies at the meeting in accordance with Section 1075.2035(d)(4), the notice of the meeting shall include the following bold-face legend:

The institution may use your previously-executed proxies to vote for the plan of conversion in the event you do not execute another proxy for this meeting, attend and vote in person, or otherwise revoke your previously-executed proxies.

(Source: Added at 17 Ill. Reg. _____, effective _____,
1993)

Section 1075.2320 Proxy Statement -- Revocability of Proxy

State that the person giving the proxy has the power to revoke it before the proxy is exercised at the meeting. If the right or revocation is subject to compliance with any formal procedure, briefly describe such procedure. Briefly describe any charter, bylaw or applicable Federal or State law requirements otherwise restricting voting by proxy. State that the proxy is solicited for that meeting, and any adjournment thereof, and will not be used for any other meeting.

(Source: Added at 17 Ill. Reg. _____, effective _____,
1993)

Section 1075.2330 Proxy Statement -- Persons Making the Solicitations

a) State whether the solicitation is made by the management of the applicant. Give the name of any director or the

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applicant who has informed the management in writing that he or she intends to oppose any action intended to be taken by the management and indicate the action which he or she intends to oppose.

b) If the solicitation is to be made otherwise than by the use of the mails, describe the methods to be employed. If the solicitation is to be made by specially engaged employees or paid solicitors, state the material features of any contract or arrangement for such solicitation and identify the parties.

c) If the solicitation is made otherwise than by the management of the applicant, so state and give the names of the persons by whom and on whose behalf it is made. Any such solicitation normally need not respond to Sections 1075.2330 through 1075.2460, but must include such information as to make such solicitations comply with Section 1075.2035(d)(3).

(Source: Added at 17 Ill. Reg. _____, effective _____,
1993)

Section 1075.2340 Proxy Statement -- Voting Rights and Vote Required for Approval

a) Describe briefly the voting rights of each class of members, state the approximate total number of votes entitled to be cast at the meeting, and the approximate number of votes to which each class is entitled. Discuss the voting rights of beneficiaries of accounts held in a fiduciary capacity such as IRA accounts.

b) As part of the description give the date of record for members entitled to vote at the meeting.

c) As to each matter which will be submitted to a vote of members, state the vote required for its approval.

d) If the applicant intends to use previously executed proxies to vote on the plan of conversion in accordance with Section 1075.2035(d)(4), discuss how such proxies were obtained, the circumstances in which such proxies may be used, and how such proxies will be voted.

(Source: Added at 17 Ill. Reg. _____, effective _____,
1993)

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Section 1075.2350 Proxy Statement -- Directors and Executive Officers

a) Furnish the information regarding directors and executive officers and certain relationships and related transactions required to be disclosed in a registration or proxy statement filed under the Securities Exchange Act of 1934. In particular, see Items 401 and 404 of the "General Rules Regarding Disclosures: Regulations S-K - Standard Instructions for Filing Forms under Securities Act of 1933 and the Securities Exchange Act of 1934" (17 CFR 229.401 and 404), and Item 6 of Regulation 14A of the "Rules and Regulations Under Securities Exchange Act of 1934 (17 CFR 240.14a-101). Unless the context otherwise requires, the words "registrant" and "issuer" in those regulations shall refer to the applicant and the word "Commission" shall refer to the Commissioner.

b) State whether control of the applicant has been exercised through the use of proxies and the nature of such control.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2360 Proxy Statement -- Management Remuneration

Furnish the information regarding management remuneration required to be disclosed in a registration or proxy statement filed under the Securities Exchange Act of 1934. In particular, see Item 402 of the "General Rules Regarding Disclosures: Regulations S-K - Standard Instructions for Filing Forms under Securities Act of 1933 and the Securities Exchange Act of 1934" (17 CFR 229.402 and 404), and Item 7 of Regulation 14A of the "Rules and Regulations Under Securities Exchange Act of 1934 (17 CFR 240.14a-101). Unless the context otherwise requires, the words "registrant" and "Commission" in those regulations shall refer to the applicant and to the Commissioner, respectively.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2370 Proxy Statement -- Business of the Applicant

a) Narrative description of business.

1) Discuss briefly the organizational history of the

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applicant, including the year of organization, the identity of the chartering authority, and any charter conversions.

2) Describe the business conducted and intended to be conducted by the applicant and its subsidiaries. This should include a description of the general development of the business of the applicant and any predecessor(s) during the past five years, or such shorter period as the applicant may have been engaged in business. Information shall be disclosed for earlier periods if material to an understanding of the general development of the business. Any material changes in the mode of conducting the business should be discussed.

3) Consideration should be given to inclusion of a description of the applicant's historical practices, including the average remaining term to maturity of its portfolio of mortgage loans, and present intention regarding the making of loans, whether real estate or other, the nature of security received, the terms of loans, whether carrying fixed or variable interest rates, and the retention of loans or their resale in secondary mortgage markets. Historical description might require a general identification of the magnitude of various activities.

4) Also explain any significant impact to the institution as a result of any material acquisitions.

b) Selected financial data -- Furnish in comparative columnar form a summary of selected financial data for the applicant for:

1) each of the last five fiscal years of the applicant (or for the life of the applicant and its predecessors, if less); and

2) any additional fiscal years necessary to keep the summary from being misleading.

3) In furnishing the information required by this subsection, the following shall apply:

A) The purpose of the summary of selected

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financial data shall be to supply in convenient and readable format selected data which highlight significant trends in the applicant's financial condition and results of operations.

B) Subject to appropriate variation to conform to the nature of the applicant's business, the following items, as a minimum, shall be included in the summary: Total interest income; total interest expense; income (loss) from continuing operations; net income; total loans; total investments; total assets; total savings; total borrowings; total capital; and total number of customer service facilities indicating the number which provide full service. Applicants may include additional items which they believe would enhance understanding and highlight trends in their financial condition and results of operation. Briefly describe, or cross reference to a discussion of, factors such as accounting changes, business combinations, or dispositions of business operations that materially affect the comparability of the information reflected in selected financial data. Discussion of, or reference to, any material uncertainties should also be included where those matters might cause the data reflected not to be indicative of the applicant's future financial condition or results of operations.

C) Those applicants which elect to provide 5 year summary information in accordance with Section C28 of the Financial Accounting Standards Board's Statement of Financial Accounting Standards (FASB Statement 89), "Financial Reporting and Changing Prices," may combine such information with the selected financial data appearing pursuant to this Section.

D) All references to the applicant in the summary and in these instructions shall mean the applicant and its consolidated subsidiaries.

E) If interim-period financial statements are included, or are required to be included by

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Section 1075.2450, applicants should update the selected financial data for the interim period to reflect any material change in the trends indicated; where such updating information is necessary, applicants should provide the information on a comparative basis unless not necessary to an understanding of the updating information.

c) Management's discussion and analysis of financial condition and results of operation.

1) Discuss applicant's financial condition, and results of operations. The discussion shall provide information as specified in subsection (c)(1)(A), (B), and (C) below with respect to liquidity, capital resources, and results of operations and also should provide all other information which the applicant believes to be necessary to an understanding of its financial condition, changes in financial condition, and results of operations. Significant business combinations should be discussed. Discussion of liquidity and capital resources may be combined whenever the two topics are interrelated. Where in the applicant's judgement a discussion of subdivisions of the applicant's business would be appropriate to an understanding of the business, the discussion should focus on each relevant, reportable segment or other subdivision of the business and on the applicant as a whole.

A) Liquidity -- Identify any known trends or any known demands, commitments, events, or uncertainties which will result in or which are reasonably likely to result in the applicant's liquidity increasing or decreasing in any material way. If a material deficiency is identified, indicate the course of action which the applicant has taken or proposes to take to remedy the deficiency. Identify and separately describe internal and external sources of liquidity, and briefly discuss any material unused sources of liquid assets. Comment on maturity imbalances between assets and liabilities and planned activities in the secondary mortgage market.

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B) Committed resources.

i) Describe the applicant's material commitments for loan fundings or other expenditures as of the end of the latest fiscal period and indicate the general purpose of the commitments and the anticipated source of funds needed to fulfill the commitments.

ii) Describe any known material trends, favorable or unfavorable, in the applicant's committed resources. Indicate any expected material changes in the mix and the relative cost of the resources. This discussion should consider changes between savings, equity, debt, and any off-balance-sheet financing arrangements.

C) Results of operations.

i) Describe any unusual or infrequent events or transactions or any significant economic changes that materially affected the amount or reported income from continuing operations and, in each case, indicate the extent to which income was affected. In addition, describe any other significant components of revenues or expenses which, in the applicant's judgment, should be described in order to understand the applicant's results of operations.

ii) Describe any known trends and uncertainties which have had, or which the applicant reasonably expects will have, a materially favorable or unfavorable impact on net sales or revenues or income from continuing operations. If the applicant knows of events which will cause a material change in the relationship between costs and revenues (such as known future increases in costs of money or interest rates) the change in the relationship should be disclosed.

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iii) To the extent that the financial statements disclose material increases in interest expense, provide a narrative discussion of the extent to which the increases are attributable to increases in rates or to increases in volume.

iv) For the three most recent fiscal years of the applicant, discuss the impact of inflation and changing prices on the applicant's revenues and on income from continuing operations.

v) For the most recent financial statement presented, discuss any unusual risk characteristics in the assets of the applicant. This would include real estate development, significant amounts of commercial real estate as loan collateral, and any other significant risk factors inherent in the applicant's lending or investment portfolios, including significant increases in amounts of non-accrual, past due, restructured, and potential problem loans (Securities and Exchange Commission's Securities Act Industry Guide 3, Section III C).

D) In completing subsection (c)(1) above, the following shall apply:

i) The applicant's discussion and analysis shall be of the financial statements and of other statistical data which the applicant believes will enhance a reader's understanding of its financial condition, changes in financial condition, and results of operations. Generally, the discussion should cover the 3 year period covered by the financial statements and should use year-to-year comparisons or other formats which in the applicant's judgement enhance a reader's understanding. However, where trend information is relevant, reference to the five-year selected financial data appearing in

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subsection (b) above may be necessary.

ii) The purpose of the discussion and analysis should be to provide to investors and other users information relevant to an assessment of the financial condition and results of operations of the applicant as determined by evaluating the amounts and certainty of cash flows from operations and from outside sources. The information provided in this subsection need only include that which is available to the applicant without undue effort or expense and which does not clearly appear in the applicant's financial statements.

iii) The discussion and analysis should specifically focus on material events and uncertainties known to management which would cause reported financial information not to be necessarily indicative of future operating results or of future financial condition. This would include description and amounts of matters which would have an impact on future operations and have not had an impact in the past, and matters which have had an impact on reported operations and are not expected to have an impact upon future operations.

iv) Where the consolidated financial statements reveal material changes from year to year in one or more line items, the causes for the changes should be described to the extent necessary to an understanding of the applicant's business as a whole; provided, however, if the causes for a change in one line item also relate to other line items, no repetition is required and a line-by-line analysis of the financial statements as a whole is not required or generally appropriate. Applicants need not recite the amounts of changes from year to year which are readily computable from the financial statements. The discussion should not

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merely repeat numerical data contained in the consolidated financial statements.

v) The term "liquidity" as used in subsection (c)(1)(A) above refers to the ability of an enterprise to generate adequate amounts of cash to meet the enterprises' needs for cash. Except where it is otherwise clear from the discussion, the applicant should indicate those balance sheet conditions or income or cash flow items which the applicant believes may be indicators of the liquidity condition. Liquidity generally should be discussed on both a long-term and short-term basis. The issue of liquidity should be discussed in the context of the applicant's own business or businesses.

vi) Applicants are encouraged but not required, to supply forward-looking information. This is to be distinguished from presently known data which will have an impact upon future operating results, such as known future increases in rates or other costs. This latter data is required to be disclosed.

vii) Applicants which elect to provide narrative explanations of supplementary information disclosed in accordance with SFAS 89, as referred to in Section 1075.2370(b)(3)(C), may combine the explanations with their discussion and analysis required pursuant to this provision or they may supply the information separately. If the information is combined, it shall be located in reasonable proximity to the discussion and analysis. If the information is not combined, the discussion of the impact of inflation otherwise required by this subsection may be omitted if there is an appropriate cross reference to the explanations provided pursuant to SFAS 89, as referred to in Section 1075.2370(b)(3)(C).

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viii) Applicants which elect not to provide explanations of supplementary information disclosed in accordance with SFAS 89 may discuss the effects of inflation and changes in prices in whatever manner appears appropriate under the circumstances. Although voluntary compliance with SFAS 89 is encouraged, all that is required is a brief textual presentation of management's views. No specific numerical financial data need be presented.

ix) All references to the applicant in the discussion and in these instructions shall mean the applicant and its consolidated subsidiaries.

2) If interim-period financial statements are included or are required to be included by Section 1075.2440, a management's discussion and analysis of the financial condition and results of operations shall be provided to enable the reader to assess material changes in financial condition and results of operations between the period specified in subsection (c)(2)(A) and (B) below. The discussion and analysis shall include a discussion of material changes in those items specifically listed in subsection (c)(1) above, except that the impact of inflation and changing prices on operations for interim periods need not be addressed.

A) Material changes in financial condition. Discuss any material changes in financial condition from the end of the preceding fiscal year to the date of the most recent interim balance sheet provided. If the interim financial statements include an interim balance sheet as of the corresponding interim date of the preceding fiscal year, any material change in financial condition from that date to the date of the most recent interim balance sheet provided shall also be discussed. If discussions of changes from both the end and the corresponding interim date of the preceding fiscal year are

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required, the discussions may be combined at the discretion of the applicant.

B) Material changes in results of operations. Discuss any material changes in the applicant's results of operations with respect to the most recent fiscal year-to-date period for which an income statement is provided and the corresponding year-to-date period of the preceding fiscal year. If the applicant is required to or has elected to provide an income statement for the most recent fiscal year quarter, the discussion also shall cover material changes with respect to that fiscal quarter and the corresponding fiscal quarter in the preceding fiscal year. In addition, if the applicant has elected to provide an income statement for the 12-month period ended as of the date of the most recent interim balance sheet provided, the discussions shall also cover material changes with respect to that 12-month period and the 12-month period ended as of the corresponding interim balance sheet date of the preceding fiscal year.

C) In completing subsection (c)(2) above, the following instructions shall apply:

i) If interim financial statements are presented together with financial statements for full fiscal years, the discussion of the interim financial information shall be prepared pursuant to subsection (c)(2) above and the discussion of the full fiscal year information shall be prepared pursuant to subsection (c)(1) above. Such discussions may be combined.

ii) The discussion and analysis required by subsection (c)(2) above is required to focus only on material changes. Where the interim financial statements reveal a material change from period to period in one or more significant line items, the causes for the changes should be described if they have not already been disclosed; however, if the causes for a

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change in one line item also relate to other line items, no repetition is required. Applicants need not recite the amounts of changes from period to period which are readily computable from the financial statements. This discussion should not merely repeat numerical data contained in the financial statements. The information provided should include that which is available to the applicant without undue effort or expense and which does not clearly appear in the applicant's interim financial statements.

iii) The applicant's discussion of material changes in results of operations should identify any significant elements of the applicant's income or loss from continuing operations which do not arise from or are not necessarily representative of the applicant's ongoing business.

iv) Applicants are encouraged but are not required to discuss forward-looking information.

d) Lending activities.

1) Briefly describe the applicable Federal and State restrictions on the lending activities of the applicant, including applicable laws affecting mortgage loan interest rates. Also briefly describe the applicant's general policy concerning loan-to-value ratios; customary methods of obtaining loan originations, such as the use of loan consultants; approval of properties as security for loans; the use of a loan committee, if any; and policies as to requiring title, fire, and casualty on security properties. Indicate the applicant's general future intentions with respect to activities in secondary mortgage markets, including transactions with the Federal Home Loan Mortgage Corporation or mortgage bankers. If significant, indicate loan service fee income as a percentage of net interest income for the years required by Section 1075.2440(b).

2) As to the lending area of the applicant, describe briefly:

A) the lending area restrictions, if any, applicable to the applicant.

B) the areas in which the applicant normally lends, and

C) any material loan concentration areas of the applicant. The descriptions may include maps illustrating one or more of these areas. Furnish an estimate of the housing vacancy rates in areas where the applicant's loan concentrations are located, if practicable.

3) Describe briefly the general long-term nature of investment in mortgage loans and the consequent effect upon the earnings spread of savings institutions. State the normal maturity of loans made by the applicant on the security of single-family dwellings and furnish an estimate as to the average length of time the loans are outstanding.

4) For each of the periods required by Section 1075.2440(b), set forth in tabular form, excluding fees which are not considered adjustments of yield, the following:

A) Average yield during the period, computed on no greater than a monthly basis, on:

- i) loan portfolio;
- ii) investment portfolio;
- iii) other interest-earning assets; and
- iv) all interest earning assets.

B) Average rate paid during the period, computed on no greater than a monthly basis, on:

- i) deposits,
- ii) borrowings and Federal Home Loan Bank advances,

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- iii) other interest-bearing liabilities, and
- iv) all interest-bearing liabilities (subsection (d)(4)(A)(i), (ii), and (iii) above).

C) Weighted-average yield at end of the latest required period, for the items in subsection (d)(4)(A) and (B) above.

D) The net yield on average interest-earning assets (net interest earnings divided by average interest-earning assets with net interest earnings equaling the difference between the dollar amount of interest earned and paid). Average interest-earning assets should be determined on an interval no more frequent than monthly.

E) For each of the periods required by Section 1075.2440(b), set forth in tabular form:

- i) the dollar amount of change in interest income and
- ii) the dollar amount of change in interest expense. The changes should be segregated for each major category of interest-earning asset and interest-bearing liability (as stated in subsection (d)(4)(A) and (B) above) into amounts attributable to changes in volume change (change in volume multiplied by old rate), and changes in rates (change in rate multiplied by old volume), and changes in rate-volume (change in rate multiplied by the change in volume). The rate/volume variances should be allocated on a consistent basis between rate and volume variance and the basis of allocation disclosed in a note to the table.

5) For each of the periods required by Section 1075.2440(b), present the following:

- A) Return on assets (net income divided by average total assets).

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- B) Return on equity (net income divided by average equity).
- C) Equity-to-assets ratio (average equity divided by average total assets).
- D) Applicants should supply any additional ratios necessary to explain their operations.

6) Loans:

A) As of the end of the latest fiscal year reported on, present separately the amounts of loans in the categories of real estate mortgages, real estate construction, installment, and commercial, financial and agricultural which are due:

- i) In each of the three years following the balance sheet,
- ii) after three through five years,
- iii) after five through ten years,
- iv) after ten through fifteen years, and
- v) after fifteen years. In addition, present separately the total amount of all such loans due after one year which have predetermined interest rates and floating or adjustable interest rates.

B) In completing subsection (d)(6)(A) above, the following shall apply:

- i) Scheduled principal repayments should be reported in that maturity category in which the payment is due.
- ii) Demand loans, loans having no stated schedule of repayments and no stated maturity, and overdrafts should be reported as due in one year or less.
- iii) Determinations of maturities should be based upon contract terms. However, such

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terms may vary due to the applicant's "rollover policy," in which case the maturity should be revised as appropriate and the rollover policy should be briefly discussed.

7) Describe briefly the risk elements within the loan and investment portfolios including the applicant's customary procedures regarding delinquent loans. As of the end of each of the periods covered by the statements of operation required by Section 1075.2440(b)(1) and as of the date of the latest statement of financial condition required by Section 1075.2440(a), set forth in tabular form the amounts and categories of non-accrual, past due, restructured, and potential problem loans (see Securities and Exchange Commission's Securities Act Industry Guide 3, Section III C) and the ratio of such loans to total assets. Where the amount of real estate that has been in substance foreclosed, acquired by foreclosure, or by deed in lieu thereof is significant, include a brief description of the major properties and a statement as to the applicant's probable losses, if any, upon disposition of such properties.

e) Savings activities.

1) State whether the maximum rate of interest which the applicant may pay is established by regulatory authorities. State that, in the event of liquidations of the applicant after conversion, savings account holders will be entitled to full payment of their accounts before payment to shareholders. Also indicate the percentage of total savings accounts which are from out-of-state sources, if such total is significant.

2) Set forth in tabular form the amounts of time deposit accounts by categories of interest rates as of the dates of each balance sheet filed. Each interest-rate category should not be more than 200 basis points. As of the date of the latest balance sheet, set forth, in tabular form for each interest-rate category, the amounts of savings maturing during each of the three years following the balance sheet date and the total maturing thereafter.

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3) Disclose the weighted-average rate and general terms (as well as formal provisions for the extension of the maturity) of each category of short-term borrowings, along with the maximum amount of borrowings in each category outstanding at any month-end during each period for which an end-of-period balance sheet is required. In addition, disclose the approximate average short-term borrowings outstanding during the period and the approximate weighted-average interest rate (and a brief description of the means used to compute such average) for such aggregate short-term borrowings. The disclosure required by this subsection need not be furnished as regards borrowings in each particular category when the aggregate amount of such borrowings at the balance sheet date does not exceed one percent of assets at that date. Notwithstanding this reporting threshold, if the weighted average of such borrowings at year-end, the disclosure called for by this subsection should be furnished. This information is not required to be given for any category of short-term borrowings for which the average balance outstanding during the period was less than 30 percent of stockholders equity at the end of the period.

f) Federal regulation. Describe briefly, to the extent not otherwise covered by other items, Federal regulation of the applicant and the conduct of its operations. In particular, describe briefly the insurance of accounts and the general regulatory authority of the Federal Deposit Insurance Corporation, and Federal regulatory capital requirements, the results of failure to meet those requirements, and the applicant's regulatory capital position in relation to those requirements. Also, describe the assessment authority and requirements of the Federal Deposit Insurance Corporation, the Financing Corporation, and the Resolution Funding Corporation.

g) Federal Home Loan Bank System. If a member, describe briefly the Federal Home Loan Bank System and state that the applicant is a member. Such description shall include:

1) Limitations on borrowings,

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2) Recent loan policies of the applicant's Federal Home Loan Bank and current interest rates, and

3) Federal Home Loan Bank stock purchase requirements and the applicant's position with respect to those requirements.

h) State regulation. Describe briefly, to the extent not otherwise covered by other items, state regulation of the applicant and the conduct of its operations. In particular, describe briefly the general regulatory authority of the Commissioner, and state regulatory capital requirements, the results of failure to meet those requirements, and the applicant's regulatory capital position in relations to those requirements (Section 5001 of The Act and Section 1075.410). Also describe the supervisory fee assessment authority and requirements of the Commissioner.

i) Federal and state taxation. Describe briefly the Federal income tax laws applicable to the applicant including:

1) Permissible bad debt reserves;

2) The applicant's position with respect to the maximum bad debt reserve limitations as of the date of the latest statement of financial condition required under Section 1075.2440(a);

3) Future increases in the effective income tax rate;

4) The date through which the applicant's Federal income tax returns have been audited by the Internal Revenue Service, and

5) The tax effect to the applicant of the payment of cash dividends on capital stock of the applicant after conversion. Also describe briefly the State taxation of the applicant.

j) Competition. Describe the material sources of competition for savings banks generally and indicate to the extent practicable the applicant's position in its principal lending and deposit markets. In answering subsection, give the extent known the applicant's deposit and mortgage product market shares by county in its geographic market. Also indicate its rank and any

material changes or trends in its competitive standing.

k) Office and other material properties.

1) Furnish the location of the applicant's home office and each existing and approved branch office and other office facilities (such as mobile or satellite offices). State the total net book value of all such offices as of the date of the latest statement of financial condition required by Section 1075.2440(a). If any such office is leased, state the expiration dates of such leases.

2) Describe briefly undeveloped land owned by the applicant, including location, net book value, and prospective use and holding period. If the applicant or a subsidiary owns or leases electronic data processing equipment principally for its own use, describe briefly such equipment indicating net book value if owned or the principal lease terms if leased.

l) Employees. State the number of persons employed full time by the applicant including executive officers listed under Section 1075.2350. State whether employees are represented by a collective bargaining group and whether the applicant's relations with its employees is satisfactory. Summarize briefly any loans, profit sharing, retirement, medical, hospitalization or other remuneration plans provided for employees not already included pursuant to Section 1075.2360.

m) Service corporations. Describe briefly the applicant's investment in any subsidiary and the major lines of business (including any joint ventures) of the subsidiary which are material to its operations.

n) Legal proceedings. Furnish the information regarding legal proceedings required to be disclosed in a registration statement filed under the Securities Exchange Act of 1934. In particular, see Item 103 of the "General Rules Regarding Disclosures: Regulations S-K - Standard Instructions for Filing Forms under Securities Act of 1933 and the Securities Exchange Act of 1934" (17 CFR 229.103). Unless the context otherwise requires, the word "registrant" in that regulation shall refer to the applicant.

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- a) Additional information. The Commissioner may upon the request of applicant, and where consistent with the protection of account holders and others, permit the omission of any of the information required by this Section or the furnishing in substitution thereof of appropriate information of comparable character. The Commissioner may also require the furnishing of other information in addition to, or in substitution for, the information required by this Section in any case where such information is necessary or appropriate for an adequate description of the applicant's business done or intended to be done.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2380 Proxy Statement -- Description of the Plan of Conversion

- a) A statement to the following effect shall be inserted in the proxy statement immediately preceding the information required by this Section: "The Commissioner of Savings and Residential Finance has given approval to the plan of conversion, subject to its approval by members and the satisfaction of certain other conditions. However, such approval by the Commissioner does not constitute a recommendation or endorsement of the plan by the Commissioner".

- b) The proxy statement shall contain a description of the plan of conversion. Such description shall contain the information required by subsections (c) through (i) below and such additional information as may be necessary to accurately describe the material provisions of the plan.

- c) Briefly describe the effects of conversion from a mutual institution to a stock institution including the following information:

- 1) State that deposit accounts of the applicant will not be affected by the conversion with respect to such matters as balances in the accounts and the extent of insurance of accounts by the Savings Association Insurance Fund or the Bank Insurance Fund, as the case may be;
- 2) State that deposit and borrowing members of the

applicant will not continue to have voting rights in the applicant after conversion and that the members of the stock savings bank shall be only the owners of its capital stock.

- 3) State the present liquidation rights of account holders and describe the liquidation account to be established and maintained by the applicant, including the conditions under which such account will be paid, the interest of eligible account holders in such account and the formula by which such account will be adjusted;

- 4) State that the rights and obligations of borrowers from the applicant will not be changed in any manner;

- 5) State that capitol stock to be sold by the applicant will not be insured by the Savings Association Insurance Fund or the Bank Insurance Fund, as the case may be;

- 6) State that none of the assets of the applicant will be distributed in order to effect the conversion other than to pay expenses incident thereto; and

- 7) State briefly the reasons why management is recommending the conversion, including any advantages to the community served by the applicant.

d) With respect to the subscription rights of members, furnish the following information:

- 1) The formula to be used for determining the subscription rights of account holders to purchase shares;
- 2) Any optional provisions included in the plan of conversion pursuant to Section 1075.1925 for the purchase of shares of capital stock;
- 3) The allocation formulas to be used when there is an oversubscription of shares at any time during the sale of stock under the plan of conversions; and
- 4) The use and time of the order forms with respect to the exercise of subscription rights.

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e) Offering price range:

1) Set forth on a per-share basis the estimated public offering price range of the shares of capital stock to be sold pursuant to the plan of conversion, except that an estimated price range is not required to be stated if the offering of stock is not to begin until after the meeting of members to vote on the plan of conversion;

2) State that the offering price will be the "pro forma" market value of such shares as determined by the applicant's management and the underwriter, as the case may be; and

3) State that all the shares are required to be sold.

f) Earning and book value per share:

1) Unless the offering of stock is not to begin until after the meeting of members to vote on the plan of conversion, discuss:

A) the earnings per share of the capital stock to be sold on a "pro forma" basis as of the most recent year-end and interim period required by Section 1075.2440(a); and

B) the book value per share on a "pro forma" basis as of the most recent year-end and interim period required by Section 1075.2440(a).

2) In completing subsection (f)(1) above, the following shall apply:

A) Earnings and book value per share shall be furnished without giving effect to the estimated net proceeds from the sale of the capital stock and then after giving effect to such proceeds, with all assumptions used clearly stated.

B) In computing "pro forma" earnings, the applicant shall use the arithmetic average of the:

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i) average yield on all interest-earning assets (Section 1075.2370(d)(4)(A)(iv)); and

ii) average rate paid on deposits (Section 1075.2370(d)(4)(B)(i)).

C) If significant changes in interest rates occur during the period presented, the Commissioner will consider permitting alternative computations proposed by an applicant that are properly supported.

D) An appropriate statement should be included which explains that the "pro forma" data should not be relied upon as indicative of the actual financial position or results of continuing operations that will be experienced by the applicant after its conversion.

g) State the proposed beginning and ending dates of the subscription period and describe any provisions in the plan of conversion related to the timing or extension of the subscription period. Also, state:

1) That a maximum subscription price will be set forth in the offering circular used for offering of subscription rights.

2) That the actual subscription price will be the public offering price;

3) That the actual subscription price will not exceed the maximum subscription price shown on the order form; and

4) That any difference between the maximum and actual subscription prices will be refunded unless the subscribers affirmatively elect to have the difference applied to the purchase of additional shares of capital stock.

h) Furnish the following information:

1) Describe to the extent practicable the applicant's present intentions with respect to listing the capital stock on an exchange or otherwise providing a market for the purchase and sale of the capital

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stock in the future:

- 2) Describe briefly the tax effect of the conversion both to the applicant and to the various classes of account holders receiving nontransferable subscription rights to purchase capital stock in the conversion:
- 3) State that the plan of conversion is attached as an exhibit to the proxy statement (or will be made available on request if the summary proxy statement provided for by Section 1075.1925 is being used) and should be consulted for further information.

i) State whether the plan of conversion provides for:

- 1) unsubscribed capital stock to be offered to the public through underwriters or directly by the converting savings bank. If such is the case, provide the information to the extent known required by Section 1075.2580 and indicate the estimated timing of the proposed offering;
- 2) the purchase by any person or group of any insignificant residue of shares remaining at the conclusion of the offering.

ii) Furnish the following information in tabular form regarding proposed purchases of capital stock involving directors and officers of the applicant:

- 1) State the total number of shares proposed to be purchased by all officers, directors and their affiliates as a group without naming them.
- 2) As to each officer and director named in Section 1075.2350(a), name him or her, state his or her position, and the number of shares proposed to be purchased by him or her.
- 3) As to any officer, director or affiliate thereof who proposes to purchase 1 percent or more of the total number of shares of capital stock of the applicant to be outstanding, name him or her, state his or her position, and the number of shares proposed to be purchased by him or her.
- 4) With respect to the information required by

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subsection (j)(1), (2) and (3) above, indicate separately the number of shares proposed to be purchased in each offering category.

- 5) With respect to the information requested as to affiliates of officers, such information is required only to the extent known. In a case where such confirmation is not obtainable, only the number of shares which the affiliate is given subscription rights to purchase need be disclosed.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2390 Proxy Statement -- Description of Capital Stock

a) Furnish the information regarding capital stock of the applicant required to be disclosed in a registration statement filed under the Securities Exchange Act of 1934. In particular, see Item 202 of the "General Rules Regarding Disclosures: Regulations S-K -- Standard Instructions for Filing Forms under Securities Act of 1933 and the Securities Exchange Act of 1934" (17 CFR 229.202). Unless the context otherwise requires the term "registrant" in the regulation shall refer to the applicant.

b) An undertaking should be included in the proxy statement that the applicant where practical will use its best efforts to encourage and assist a professional market maker in establishing and maintaining a market for the capital stock of the applicant.

c) Trading market:

- 1) Outline briefly the trading market that is expected to exist for the capital stock following the conversion including the estimate number of market makers and stockholders, and the anticipated success of the applicant in listing the stock.
- 2) Any discussion of the listing of the applicant's stock should include the basic requirements that must be met for such listing.

d) If the rights evidenced by the capital stock will be materially limited or qualified by the rights of savings

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account holders or borrowers, include the information regarding the limitations or qualifications necessary to enable investors to understand the rights evidenced by the capital stock.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2400 Proxy Statement -- Capitalization

a) Set forth in substantially the tabular form indicated below the dollar amounts of the capitalization of the applicant. Captions below may be modified as appropriate.

	(A) Capitaliza- tion as of Most Recent Balance Sheet Date	(B) Pro forma adjustments as a Result of Conversion	(C) Pro forma Capitaliza- tion. After Giving Effect to the Conversion
Deposits			
FHL bank advances....			
Other.....			
Borrowings			
Capital stock.....			
Preferred stock			
Paid-in capital.....			
Retained earnings:			
Restricted.....			
Unrestricted.....			
Total.....			

b) In furnishing the information required by subsection (a) above, the following shall apply:

1) With respect to capital stock, indicate in the table or in a footnote the total number of shares to be authorized, the par or stated value of such shares, and the number of shares to be sold as part of the conversion.

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2) With respect to the funds to be received by the applicant from the sale of its capital stock, indicate in the table the estimated total amount of funds to be obtained and in a footnote state the price per share used in making the estimate. The total amount and price per share shall be clearly identified as being estimates.

3) With respect to Column A, the applicant should use the most recent balance sheet date required by Section 1075.2450.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2410 Proxy Statement -- Use of New Capital

a) State the principal purposes for which the net proceeds to the applicant from the capital stock to be sold are intended to be invested or otherwise used and the approximate amount intended for each such purpose.

b) Detail of proposed investments are not to be given. There need be furnished, for example, only a brief statement of any investment or other activity of the applicant which will be affected materially by availability of the proceeds. Examples of such activities may include expanded secondary market activities, larger scale lending projects, loan portfolio diversification, increased liquidity investments, repayment of debt, additional branch offices and other facilities, service corporation investments, and acquisitions.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2420 Proxy Statement -- New Charter, Bylaws, or Other Documents

Describe briefly any material differences between the the existing charter, bylaws, and any similar documents of the applicant and those which will take effect after conversion. This section requires only a brief summary of the provisions which are permitted from both an investment standpoint and a voting standpoint. A complete legal description of the provisions referred to is not required and should not be given. Do not set forth the provisions verbatim, only a succinct resume is required.

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(Source: Added at 17 Ill. Reg. _____, effective _____,
1993)

Section 1075.2430 Proxy Statement -- Other matters

If applicable, state that the applicant will register its capital stock under Section 12(g) of the Securities Exchange Act of 1934, and that it will not deregister such stock for a period of three years. It should be noted that upon such registration the proxy rules, insider trading reporting and restrictions, annual and periodic reporting and other requirements of the Securities Exchange Act of 1934 will be applicable.

(Source: Added at 17 Ill. Reg. _____, effective _____,
1993)

Section 1075.2440 Proxy Statement -- Financial Statements

This Section specifies the consolidated balance sheets, the consolidated statements of income, the consolidated statements of cash flows, and stockholders' equity required to be included in the proxy statement. If the applicant has previously used an audit period in connection with its certified financial statements which does not coincide with its fiscal year, such audit period may be used in place of any fiscal year requirement provided it covers a full twelve months' operations and is used consistently.

a) Consolidated balance sheets.

- 1) There shall be furnished for the applicant and its subsidiaries consolidated, audited balance sheets as of the end of each of the two most recent fiscal years.

- 2) If the latest balance sheets furnished under subsection (a)(1) above are in excess of 135 days before the date of the Commissioner's approval of the conversion, there shall be furnished an interim balance sheet as of a date within 135 days of such approval. This interim balance sheet need not be audited.

b) Consolidated statements of income and cash flows.

- 1) There shall be furnished for the applicant and its subsidiaries and predecessors consolidated, audited statements of income and cash flows for each of the

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three fiscal years preceding the date of the most recent balance sheet furnished.

- 2) In addition, for any interim period between the latest audited balance sheet and the date of the most recent interim balance sheet being filed, and for the corresponding period of the preceding fiscal year, statements of income and cash flows shall be furnished. The interim financial statements may be unaudited.

c) Changes in stockholders' equity. An analysis of the changes in each caption of stockholders' equity presented in the balance sheets shall be given in a note or separate statement. This analysis shall be presented in the form of a reconciliation of the beginning balance to the ending balance for each period for which an income statement is required to be furnished with all significant reconciling items described by appropriate captions.

d) Financial statements of business acquired or to be acquired. There shall be furnished the information required by 17 CFR 210.3-05 and 17 CFR 210.11-01 to -03 regarding business acquired or to be acquired.

e) Separate financial statements of subsidiaries not consolidated and 50-percent- or less-owned persons. There shall be furnished the information required by 17 CFR 210.3-09 regarding separate financial statements of subsidiaries not consolidated and 50-percent-or less-owned persons.

f) Filing of other statements in certain cases. The Commissioner may, upon the request of the applicant, and where consistent with the protection of account holders and others, permit the omission of one or more of the statements required or the filing in substitution thereof of appropriate statements of comparable character. The Commissioner may also require the inclusion of other statements in addition to, or in substitution for, the statements herein required in any case where such statements are necessary or appropriate for an adequate presentation of the financial condition of any person whose financial statements are required, or whose statements are otherwise necessary for the protection of account holders and others.

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(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2450 Proxy Statement -- Consents of Experts and Reports

a) The proxy statement shall briefly describe all consents of experts filed pursuant to Section 1075.2210(g).

b) The statement shall contain a report of the independent public accountants who have certified the financial statements and other matters in the statement.

c) Subsections (a) and (b) above require only a brief summary of the provisions which are permitted from an investment standpoint and a voting standpoint. A complete legal description of the provision referred to is not required and should not be given. Do not set forth the provision verbatim, only a succinct resume is required.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2460 Proxy Statement -- Attachments

There shall be attached to the proxy statement distributed to members and others a copy of the applicant's plan of conversion as approved by the Commissioner unless the proxy statement contains a provision indicating that the plan of conversion will not be provided unless the recipient so requests within a specified period by a postage-paid postcard or other written communication.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2500 Offering Circular

An offering circular shall conform to the requirements of Sections 1075.2500 through 1075.2580.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2510 Offering Circular -- Certain Manner of Presentation of Required Information Prohibited

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The information required in an offering circular shall not be set forth in such fashion as to obscure any of the required information or any information necessary to keep the required information from being incomplete or misleading.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2520 Offering Circular -- Certain Named Persons -- Filing of Written Consent Required

If any person who has not signed an application is named in the offering circular as about to become a director, the written consent of this person shall be filed with the Commissioner in the form the Commissioner prescribes.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2530 Offering Circular -- Information Required

a) The offering circular shall be dated as of the date of its issuance. The offering circular shall contain substantially the same information required to be included in the proxy statement of the applicant distributed to members to vote upon the plan of conversion. Information of the type required to be included in the proxy statement may be omitted from the offering circular only to the extent that it is clearly inapplicable. The offering circular may be in "wrap around" form with the proxy statement attached. The term "offering circular" refers to both the offering circular for the subscription offering and the offering circular for the public offering through an underwriter or the direct community marketing by the converting savings bank of the unsubscribed shares, unless otherwise indicated.

b) An offering circular for the subscription offering in "wrap around" form distributed to members and other persons who have previously been furnished a copy of the proxy statement need not contain the proxy statement as an attachment provided such offering circular states that a copy of the proxy statement has previously been furnished to such persons and that an additional copy thereof will be furnished promptly upon request to the applicant (with the telephone number and mailing address of the applicant stated).

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(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2540 **Offering Circular -- Additional Current Information Required**

Each offering circular shall, as of its respective dates of issuance, include, to the extent available, the following additional current information to the extent that such information is not already included in the proxy statement:

- a) Information with respect to the vote of members upon the plan of conversion and any other proposals considered at the meeting of members.
- b) Information with respect to any recent material developments in the business or affairs of the applicant.
- c) Information with respect to the trading market that is expected to exist for the capital stock following the conversion.
- d) Information, on the outside front cover page, summarizing the results of any separate subscription offering including the number of shares sold to eligible account holders, voting members and others, the price at which the shares were sold, and the number of unsubscribed shares.
- e) The information required by Section 1075.2380(e)(1) and (f).
- f) Any other information necessary to make such offering circular current, including full financial statements of the applicant within 6 months before the date of issuance of such offering circular. In addition, a subscription offering circular shall contain any more recent financial statements which, at the time the subscription offering begins, it can be determined will be required to be included in an offering circular to be used in the direct community offering or public offering pursuant to this subsection.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2550 **Offering Circular -- Statement Required in**

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Offering Circulars

There shall be set forth on the outside cover page of every offering circular the following statement in capital letters printed in bold-face Roman type at least as large as ten-point modern type and at least two points leaded: These shares have not been approved or disapproved by the Illinois Commissioner of Savings and Residential Finance nor has the Commissioner passed upon the accuracy or adequacy of this offering circular. Any representation to the contrary is unlawful.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2560 **Offering Circular -- Preliminary Offering Circular**

The outside front cover page of any preliminary offering circular shall bear, in red ink, the caption "Preliminary Offering Circular" the date of its issuance, and the following statement printed in type as large as that used generally in the body of such offering circular:

"This offering circular has been filed with the Illinois Commissioner of Savings and Residential Finance, but has not been authorized for use in final form. Information contained herein is subject to completion or amendment. The shares covered hereby may not be sold nor may offers to buy be accepted before the time the offering circular is declared effective by the Commissioner. The offering circular shall not constitute an offer to sell or the solicitation of an offer to buy nor shall there be any sale of these shares in any state in which such offer, solicitation or sale would be unlawful before registration or qualification under the securities laws of any such State."

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2570 **Offering Circular -- Information with Respect to Exercise of Subscription Rights**

Any offering circular which is required to be delivered to subscribers shall describe all material terms of the offering relating to the exercise of subscription rights to the extent that such description is not already in the proxy statement. Such terms include the expiration date, any subscription agent, method

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of exercising subscription rights, payment for shares, delivery of stock certificates for shares purchased maximum subscription prices, possible reduction of subscription price, relationship of subscription price to public offering price, requirement that all unsubscribed shares be sold, and any other material conditions relating to the exercise of subscription rights.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

Section 1075.2580 Offering Circular -- Information with Respect to Public Offering or Direct Community Offering

Each offering circular shall describe the material terms of the plan or plans of distribution for all unsubscribed shares of capital stock to the extent such description is not already in the proxy statement, including the following:

- a) If the shares are to be offered through underwriters, the outside front cover page of both offering circulars shall give the information called for by this subsection. In the case of the offering circular for any public offering, such information shall be given in substantially the tabular form set forth below. In any other case, the information may be given in narrative form. If the information is not known at the time of the subscription offering, so state and estimate.

	Price to Public	Underwriting Discounts and Commissions	Proceeds to Applicant
Per Share.....	\$	\$	\$
Total.....	\$	\$	\$

- b) An offering circular for a public offering or direct community marketing, where the plan of conversion does not contain the optional provision permitted by Section 1075.1925(g), may omit the description relating to the exercise of subscription rights required by Section 1075.2570.

- c) If any shares are to be offered through underwriters, the offering circular for the public offering shall

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state the names of the principal underwriters and the respective amounts underwritten by each. The names of the principal underwriters other than the managing underwriters and the respective amounts to be underwritten may be omitted from the offering circular for the subscription offering, unless the plan of conversion contains the optional provision permitted by Section 1075.1925(g). Each offering circular shall identify each principal underwriter having a material relationship to the applicant and state the nature of the relationship. Each offering circular shall state briefly the nature of the underwriter's obligation to take the unsubscribed shares.

- d) The offering circular for the public offering shall state briefly the discounts and commissions to be allowed or paid to dealers in connection with the sale of the unsubscribed shares. Such information may be omitted from the offering circular for any subscription offering, unless the plan of conversion contains the optional provision permitted by Section 1075.1925(g).

- e) If any shares are to be offered through underwriters, the offering circular for the public offering shall identify any principal underwriter that intends to confirm sales to any accounts over which it exercises discretionary authority and include an estimate of the number of shares so intended to be confirmed. Such information may be omitted from the offering circular for any subscription offering. With respect to this subsection, the following shall apply:

- 1) Commissions include all cash, securities, contracts, or anything else of value, paid, to be set aside, disposed of, or understandings made with or for the benefit of any persons in which any underwriter or dealer is interested, in connection with the sale of the shares.
- 2) Only commissions paid by the applicant in cash are to be included in the table. Any other consideration to the underwriters shall be set forth following the table with a reference thereto in the second column of the table. Any finder's fees or similar payments shall be appropriately disclosed.
- 3) All that is required as to the nature of the

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underwriters' obligation is whether the underwriters are or will be committed to take and to pay for all the shares if any are taken, or whether it is merely an agency or "best efforts" arrangement under which the underwriters are required to take and pay for only such shares as they may sell to the public. Conditions precedent to the underwriters' taking the shares, including customary "market outs," need not be described. If a "best efforts" arrangement is used, describe any standby commitments for shares not sold.

- f) If any shares are to be sold by the converting savings bank through a direct community marketing, indicate the timing of the offering, the geographical area where the offering will be made, the method to be employed to market the shares, including the frequency and nature of communications or contracts with potential purchasers, any preferences that will be given any such geographical area or class of potential purchasers, and the limitations on purchases by potential purchasers.

(Source: Added at 17 Ill. Reg. _____, effective _____, 1993)

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- 1) Heading of the Part: Cancellation, Revocation or Suspension of Licenses or Permits
- 2) Code Citation: 92 Ill. Adm. Code 1040
- 3) Section Numbers: Proposed Action
1040.102 New Section
- 4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code (625 ILCS 5/2-104(b) formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 2-104(b)) and authorized by Section 6-100 et seq. of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (625 ILCS 5/6-100 et seq. formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-100 et seq.).
- 5) A Complete Description of the Subjects and Issues Involved: This proposed rulemaking outlines the procedures for handling suspensions and cancellations based upon unpaid parking tickets, traffic fines, or a returned check and the driver has filed bankruptcy.
- 6) Will this proposed rulemaking replace an emergency rule currently in effect? No.
- 7) Does this rulemaking contain an automatic repeal date? No.
- 8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.

9) Are there any other amendments pending on this part? Yes.

Section	Proposed Action	Illinois Register Citation
1040.20	Amendment	17 Ill. Reg. 2128 (February 19, 1993)
1040.101	Amendment	17 Ill. Reg. 1747 (February 16, 1993)

- 10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.

- 11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Robert J. Watkins
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62773
Tel. 782-5846

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- 12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

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TITLE 92: TRANSPORTATION
CHAPTER II: SECRETARY OF STATE

PART 1040

CANCELLATION, REVOCATION OR SUSPENSION OF LICENSES OR PERMITS

Section	
1040.10	Court to Forward Licenses and Reports of Convictions
1040.20	Illinois Traffic Offense Table
1040.25	Suspension or Revocation for Driving Without a Valid Driver's License
1040.30	3 or More Traffic Offenses Committed Within 12 Months
1040.31	Operating a Motor Vehicle During a Period of Suspension or Revocation
1040.32	Suspension or Revocation of Driver's Licenses, Permits or Identification Cards Used Fraudulently
1040.35	Commission of an Offense Requiring Mandatory Revocation Upon Conviction
1040.38	Commission of a Traffic Offense in Another State
1040.40	Repeated Convictions or Collisions
1040.41	Suspension of Licenses for Curfew Violations
1040.42	Fleeing and Eluding
1040.43	Illegal Transportation
1040.46	Fatal Accident & Personal Injury Suspensions or Revocations
1040.48	Vehicle Emission Suspensions
1040.50	Suspension or Revocation of a License of Commercial Vehicle Driver
1040.55	Suspension or Revocation for Driver's License Classification Violations
1040.60	Release of Information Regarding a Disposition of Court Supervision
1040.65	Offenses Occurring on Military Bases
1040.66	Invalidation of a Restricted Driving Permit
1040.70	National Driver Register
1040.80	Cancellation of Driver's License Upon Issuance of a Handicapped Identification Card
1040.100	Rescissions
1040.101	Reinstatement Fees
1040.102	Bankruptcy for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

AUTHORITY: Implementing Articles II and VII of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6-201 et seq. and 5/6-700 et seq. formerly Ill. Rev. Stat. 1991, ch. 95 1/2, pars. 6-201 et seq. and 6-700 et seq.) and authorized by Section 2-104(b) of the Illinois Vehicle Title & Registration Law of the Illinois Vehicle Code (625 ILCS 5/2-104(b) formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 2-104(b)).

SOURCE: Filed September 22, 1972; amended at 3 Ill. Reg. 36, p. 282, effective

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June 30, 1979; amended at 5 Ill. Reg. 3533, effective April 1, 1981; amended at 6 Ill. Reg. 4239, effective April 2, 1982; codified at 6 Ill. Reg. 12674; amended at 8 Ill. Reg. 2200, effective February 1, 1984; amended at 8 Ill. Reg. 3783, effective March 13, 1984; amended at 8 Ill. Reg. 18925, effective September 25, 1984; amended at 8 Ill. Reg. 23385, effective November 21, 1984; amended at 10 Ill. Reg. 15265, effective September 4, 1986; amended at 11 Ill. Reg. 16977, effective October 1, 1987; amended at 11 Ill. Reg. 20657, effective December 8, 1987; amended at 12 Ill. Reg. 2148, effective January 11, 1988; amended at 12 Ill. Reg. 14351, effective September 1, 1988; amended at 12 Ill. Reg. 15625, effective September 15, 1988; amended at 12 Ill. Reg. 16153, effective September 15, 1988; amended at 12 Ill. Reg. 16906, effective October 1, 1988; amended at 12 Ill. Reg. 17120, effective October 1, 1988; amended at 13 Ill. Reg. 1593, effective January 23, 1989; amended at 13 Ill. Reg. 5162, effective April 1, 1989; amended at 13 Ill. Reg. 7802, effective May 15, 1989; amended at 13 Ill. Reg. 8659, effective June 1, 1989; amended at 13 Ill. Reg. 17087, effective October 16, 1989; amended at 13 Ill. Reg. 20127, effective December 8, 1989; amended at 14 Ill. Reg. 2944, effective February 7, 1990; amended at 14 Ill. Reg. 3664, effective February 27, 1990; amended at 14 Ill. Reg. 5178, effective April 1, 1990; amended at 14 Ill. Reg. 5560, effective March 22, 1990; amended at 14 Ill. Reg. 14177, effective August 21, 1990; amended at 14 Ill. Reg. 18088, effective October 22, 1990; amended at 15 Ill. Reg. 14258, effective September 24, 1991; amended at 17 Ill. Reg. _____, effective _____.

Section 1040.102 Bankruptcy Rule for Suspensions, Cancellations, Failure to Pay and Returned Checks Actions

a) For purposes of this Section, the following definitions shall apply:

"Bankruptcy Debtor" - a debtor under any chapter of the Federal Bankruptcy Code.

"Cancellation" - the annulment or termination of a drivers license by formal action of the Secretary because the licensee is no longer entitled to such license.

"Chapter 13 Plan" - an order by a United States Bankruptcy Court requiring a monthly payment from the wages of a debtor.

"Creditor" - a person to whom a debt is owed by another.

"Debtor" - one who owes a debt.

"Deletion" - the permanent removal of an entry from a driving record.

"Department" - Department of Driver Services of the Office of the Secretary of State.

b)

If a debtor's driving privileges have been or will be suspended for a parking suspension pursuant to the Illinois Vehicle Code, the Illinois Licensing Law of the Illinois Department of Transportation, or if a debtor's driving privileges are issued prior to petition for discharge; or, if a debtor's driving privileges have been or will be cancelled as a result of a returned check pursuant to Section 6-201(a)(3) of the Illinois

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"Failure to Pay" - an indication on a driving record that an individual has failed to pay fines and costs in full on a traffic ticket which prohibits the renewal or reissuance of a drivers license.

"Notice of Automatic Stay" - any notice received by the Department that indicates a debtor has filed a Petition in Bankruptcy, which automatically stays any proceedings against him pursuant to Section 362 of the Bankruptcy Reform Act of 1978 (11 U.S.C. Section 362).

"Notice of Meeting of Creditors" - a notice from the United States Bankruptcy Court informing the entities which have a claim against the debtor that the debtor has filed bankruptcy.

"Parking Suspension" - a suspension imposed for failure to pay fines or penalties for standing or parking violations pursuant to 6-306.5 of the Illinois Vehicle Code. (625 ILCS 5/6-306.5 formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-306.5)

"Petition for Discharge Filed in Bankruptcy" - an order by a United States Bankruptcy Court relieving an individual from all of his/her debts which are provable in bankruptcy, except those excluded by the Bankruptcy Code.

"Petition in Bankruptcy" - a petition filed in Bankruptcy Court, or with the Clerk, by a debtor seeking the protection of the Bankruptcy Code.

"Rescission" - to set aside, annul, render void, or cancel an order.

"Returned Check" - any check which is delivered to the Office of the Secretary of State as payment of any fee and such check is not honored by the bank on which it is drawn.

"Schedule A-3" - Schedule of Liabilities.

"Trustee Report of No Assets" - a report from the trustee of the United States Bankruptcy Court indicating the debtor has no assets.

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Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6-201(a)(3) formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-201(a)(3)), proper notice to the Department shall result in the rescission of the suspension or cancellation from the driving record.

c) If a debtor's privilege to renew or be reissued a drivers license has been or will be prohibited based upon a returned check pursuant to Section 6-201(a)(3) of the Illinois Driver Licensing Law of the Illinois Vehicle Code, or based upon a report of failure to pay traffic fines and court costs pursuant to Section 6-306.6 of the Illinois Driver Licensing Law of the Illinois Vehicle Code (625 ILCS 5/6-306.6 formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 6-306.6), proper notice to the Department shall result in the deletion of this indication from the driving record.

d) Proper notice shall consist of, but not limited to, one of the following:

- 1) Petition in Bankruptcy
- 2) Notice of meeting of Creditors
- 3) Schedule A-3 or Schedule of Creditors
- 4) Trustee Report of No Assets
- 5) Petition for Discharge Filed in Bankruptcy
- 6) Notice of Automatic Stay
- 7) Chapter 13 Wage Earner Plan

e) Any evidence documenting an event prior in time to actual petition for discharge shall be used by the Department to confirm a petition for discharge in bankruptcy has occurred.

f) The debtor shall notify the Department if the Petition in Bankruptcy has been dismissed or the debt has been discharged in bankruptcy.

g) Any previous action taken by the Department to rescind a suspension or prevent the renewal or reissuance of a driver's license or permit based upon proper notice of bankruptcy under this Section shall be reinstituted when:

- 1) the Petition in Bankruptcy has been dismissed; or
- 2) the United States Bankruptcy Court orders the debt nondischargeable; or

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3) a court of competent jurisdiction enters an order finding the debt upon which the action is based nondischargeable pursuant to applicable sections of 11 U.S.C. Section 523(a) and Bankruptcy Rule 4007 as now or hereafter amended. (11 U.S.C. Section 523(a) and B. Rule 4007)

(Source: Added at 17 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Illinois Safety Responsibility Law

2) Code Citation: 92 Ill. Adm. Code 1070

3) Section Numbers: Proposed Action

1070.100

Amendment

4) Statutory Authority: Section 7-100 et seq. of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (625 ILCS 5/7-100 et seq. formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 7-100 et seq.).

5) A Complete Description of the Subjects and Issues Involved: The purpose of this amendment is to correct the current procedure for handling Safety and Financial Responsibility suspensions where the driver filed bankruptcy on a personal injury accident as a result of driving under the influence.

6) Will this proposed rulemaking replace an emergency rule currently in effect? No.

7) Does this rulemaking contain an automatic repeal date? No.

8) Does this proposed rulemaking contain incorporations by reference? No, this amendment does not contain incorporations by reference.

9) Are there any other amendments pending on this part? No.

10) Statement of Statewide Policy Objective: This rulemaking will have no effect on local units of government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Robert J. Watkins
Assistant Counsel to the Secretary
2701 S. Dirksen Parkway
Springfield, IL 62723
217/782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the Secretary of State does not feel this proposed rulemaking will affect any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

The full text of the proposed rule begins on the next page.

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TITLE 92: TRANSPORTATION

CHAPTER II: SECRETARY OF STATE

PART 1070

ILLINOIS SAFETY RESPONSIBILITY LAW

Section	
1070.10	Forms of Security
1070.20	Future Proof
1070.30	Installment Agreements
1070.40	Disposition of Security
1070.50	Failure to Satisfy Judgment
1070.60	Release From Liability
1070.70	Incomplete Unsatisfied Judgment
1070.80	Driver's License Restriction for Exclusive Operation of Commercial Vehicles
1070.90	Dormant and Dead Judgments
1070.100	Bankruptcy

AUTHORITY: Implementing and authorized by the Illinois Safety Responsibility Law (625 ILCS 5/7-100 et seq. formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 7-100 et seq.).

SOURCE: Filed and effective December 17, 1971; codified at 6 Ill. Reg. 12674; repealed at 7 Ill. Reg. 13678, effective October 14, 1983; new part adopted at 11 Ill. Reg. 20215, effective November 30, 1987; amended at 14 Ill. Reg. 6859, effective April 24, 1990; amended at 14 Ill. Reg. 10107, effective June 12, 1990; amended at 15 Ill. Reg. 15083, effective October 8, 1991; amended at 16 Ill. Reg. 2172, effective January 24, 1992; amended at 17 Ill. Reg. _____, effective _____.

Section 1070.100 Bankruptcy

a) For purposes of this Section, the following definitions shall apply:

"Bankruptcy Debtor" - a debtor under any chapter of the Federal Bankruptcy Code.

"Chapter 13 Plan" - an order by a United States Bankruptcy Court requiring a monthly payment from the wages of a debtor.

"Creditor" - a person to whom a debt is owed by another.

"Debtor" - one who owes a debt.

"Deletion of Suspension" - the suspension of the suspension from the driving record.

"Deletion of Suspension" - the suspension of the suspension from the driving record.

NOTICE OF PROPOSED AMENDMENT(S)

"Discharge in Bankruptcy" - an order by a United States Bankruptcy Court relieving an individual from all of his/her debts which are provable in bankruptcy, except those excluded by the Bankruptcy Code.

"Notice of Automatic Stay" - any notice received by the Department that indicates a debtor has filed a Petition in Bankruptcy, which automatically stays any proceedings against him pursuant to Section 362 of the Bankruptcy Reform Act of 1978 (11 U.S.C. Section 362).

"Notice of Meeting of Creditors" - a notice from the United States Bankruptcy Court informing the entities which have a claim against the debtor that the debtor has filed bankruptcy.

"Petition in Bankruptcy" - a petition filed in Bankruptcy Court, or with the Clerk, by a debtor seeking the protection of the Bankruptcy Code.

"Schedule A-3" - Schedule of Liabilities.

"Termination of Suspension" - a suspension which has ended.

"Trustee Report of No Assets" - a report from the trustee of the United States Bankruptcy Court indicating the debtor has no assets.

b) If a debtor's driving privileges have been or will be suspended because of an unsatisfied judgment or accident pursuant to Section 7-201 et seq. of the Illinois Safety Responsibility Law of the Illinois Vehicle Code (625 ILCS 5/7-201 et seq. formerly Ill. Rev. Stat. 1991, ch. 95 1/2, par. 7-201 et seq.), proper notice to the Department shall result in termination or deletion of the suspension from the driving record. Proper notice shall consist of, but not be limited to, one of the following:

- 1) Petition in Bankruptcy
- 2) Notice of Meeting of Creditors
- 3) Schedule A-3 or Schedule of Creditors
- 4) Trustee Report of No Assets
- 5) Discharge in Bankruptcy
- 6) Notice of Automatic Stay
- 7) Chapter 13 Wage Earner Plan

c) Any evidence documenting an event prior in time to actual discharge shall be used by the Department to confirm a discharge in bankruptcy has occurred.

d) The suspension shall be terminated and the file closed as of the date the Department receives proper notice. If proper notice is received prior to the suspension date, the pending suspension will be deleted from the driving record.

e) The debtor shall notify the Department if the Petition in Bankruptcy has been dismissed or the debt has been discharged in bankruptcy. ~~In the event the debt is not discharged, the suspension will be reinstated upon receipt of proper notice from the United States Bankruptcy Court.~~

f) A suspension because of an unsatisfied judgment or accident pursuant to Section 7-201 et seq. of the Illinois Safety Responsibility Law of the Illinois Vehicle Code which has been rescinded pursuant to this Section shall be reinstated when:

- 1) the Petition in Bankruptcy has been dismissed; or
- 2) the United States Bankruptcy Court orders the debt nondischargeable; or
- 3) a court of competent jurisdiction enters an order finding the debt upon which the action is based nondischargeable pursuant to applicable sections of 11 U.S.C. Section 523(a) and Bankruptcy Rule 4007 as now or hereafter amended. (11 U.S.C. Section 523(a) and B. Rule 4007)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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1) Heading of the Part: Rulemaking2) Code Citation: 1 Ill. Adm. Code 1003) Section Number: Proposed Action:

100.100 Amended
 100.110 Amended
 100.120 Amended
 100.130 Amended
 100.140 Amended
 100.150 Amended
 100.160 Amended
 100.180 Amended
 100.200 Amended
 100.210 Amended
 100.220 Amended
 100.230 Amended
 100.240 Amended
 100.250 New Section
 100.260 Amended
 100.270 Amended
 100.280 Amended
 100.300 Amended
 100.310 Amended
 100.320 Amended
 100.330 Amended
 100.335 Amended
 100.340 Amended
 100.345 Amended
 100.350 Amended
 100.360 Amended
 100.380 Amended
 100.385 Amended
 100.390 Amended
 100.400 Amended
 100.410 Amended
 100.415 Amended
 100.420 Amended
 100.430 Amended
 100.440 Amended
 100.450 Amended
 100.500 Amended
 100.510 Amended
 100.530 Amended
 100.540 Amended
 100.545 Amended

NOTICE OF PROPOSED AMENDMENTS

Section Number: Proposed Action:

100.550 Amended
 100.600 Amended
 100.610 Amended
 100.620 Amended
 100.640 Amended
 100.650 Amended
 100.660 Amended
 100.700 Amended
 100.710 Amended
 100.740 Amended
 100.800 Amended
 100.810 Amended
 100.820 Amended
 100.900 Amended
 100.910 Amended
 100.920 Amended
 100.1000 Amended
 100.1010 Amended
 100.1020 Amended
 100.1030 Amended
 100.1100 Amended
 100.1110 Amended
 100.1150 Amended
 100.1160 New Section
 100.1200 Amended
 100.1210 Amended
 100. Appendix A Amended
 Illustration A New Section
 Illustration B New Section
 Illustration H New Section
 Illustration I New Section
 100. Appendix D Amended
 Illustration A Amended
 100. Appendix E Amended
 Illustration C Amended
 Illustration D Amended
 Illustration F Amended
 Illustration G New Section

4) Statutory Authority: Implementing and authorized by the Illinois Administrative Procedure Act (Ill. Rev. Stat., 1991, ch. 127, pars. 1001-1 et seq.) [5 ILCS 100/1-1 et seq].

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5) A Complete Description of the Subjects and Issues Involved:

These amendments respond to recent changes in the Illinois Administrative Procedure Act (IAPA) by the addition of an expedited corrections Section, including Illustrations. A definition of "agreements" was added. New requirements for agencies include a change in the filing deadline from Tuesday at 4:30 p.m. to Tuesday at 12:00 p.m.; agencies with available technology shall submit an ASCII disc to load onto the database to ensure accuracy; only one "definitions" Section is permitted per Part; and agencies must adopt rules for the location of incorporation by reference materials and for the qualifications of Administrative Law Judges (see Section 5-15 of the IAPA). New requirements are not imposed on the Department of Commerce and Community Affairs, but their current procedures on regulatory flexibility are added. Statutory references are updated and numerous non-substantive corrections are made.

6) Will these proposed amendments replace an emergency rule currently in effect? No7) Does this rulemaking contain an automatic repeal date? No8) Do these proposed amendments contain incorporations by reference? No9) Are there any other proposed amendments pending on this Part?
No10) Statement of Statewide Policy Objectives: This rulemaking does not create or expand a state mandate as defined in Section 3(b) of the State Mandates Act (Ill. Rev. Stat. 1991, ch. 85, par. 2203) [30 ILCS 805/3].11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking:

Carol Sudman
Administrative Code Division
288 Howlett Building
Springfield, IL 62756
(217) 782-9786

12) Initial Regulatory Flexibility Analysis: This rulemaking does not affect small businesses.

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The full text of the Proposed Amendments begins on the next page.

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TITLE 1: RULES-AND-RULEMAKING GENERAL PROVISIONS
CHAPTER I: SECRETARY OF STATEPART 100
RULEMAKING

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100.100
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Agencies Covered
Illinois Administrative Code Organization
Codification Outline
Notice of Codification Changes
Deletion or Transfer of Rules
Re-using Part or Section Numbers (Renumbered)
Style Manual

SUBPART B: ILLINOIS REGISTER

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100.210
100.220
100.230
100.240
100.250
100.260
100.270
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100.290

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Publication Requirements
Cover Letter
Publication of Materials Incorporated by Reference
Notices of Corrections
Expedited Corrections
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Illinois Register Availability
Fees
Unmodified Rules (Repealed)

SUBPART C: RULE DRAFTING REQUIREMENTS

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100.370
100.380

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Footnoting Rules
Source Notes
Automatic Repeal of Rules
Text of the Part: Subsections
Renumbering Sections within a Part
Supplementary Material
Proper Format
Citation of Codified Rules
Statutory Language and Statutory Citations

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100.385 Incorporation by Reference; Citation of Referenced Material
100.390 Footnotes; Agency Notes; Editor's Notes

SUBPART D: PROPOSED RULES

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Required Notice Periods
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Administrative Code Division Review of Proposed Rules

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Requirements for Illinois Register Publication
Notice of Adopted Rules
Text of Adopted Rules
Code Division Review of Adopted Rules
Certificate of Review and Approval

SUBPART F: EMERGENCY RULES

Section
100.600
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100.670
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Text of Emergency Rules
File Copy of Emergency Rules
Effectiveness
Adoption as a Permanent Rule
Code Division Review of Emergency Rules
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SUBPART G: PEREMPTORY RULES

Section
100.700
100.710
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Submission; Agency Certification
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100.740 Certificate of Review and Approval

SUBPART H: INTERNAL RULES

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100.815 Code Division Review of Internal Rules
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SUBPART I: PROHIBITED FILING

Section
100.900 Certified Statements from Joint Committee on Administrative Rules
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SUBPART J: PUBLIC INSPECTION AND COPYING

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100.1020 Illinois Administrative Code
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100.1130 Format for Register Publication ~~for~~ of Notices of the Joint Committee on Administrative Rules
100.1140 Code Division Review of Other Notices and Materials Submitted for Register Publication
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Illustration C Notice of Modification, Withdrawal or Refusal in Response to an Objection by the Joint Committee on Administrative Rules

Illustration D Notice of Corrections to Proposed Rules
Illustration E Notice of Public Hearing on Proposed Rules
Illustration F Notice of Corrections to Notice Only (Renumbered)

Appendix B Adopted Rules

Illustration A Notice of Adopted Rules
Illustration B Text of Adopted Rules (Repealed)
Illustration C Agency Certification
Illustration D Format for Filing Codified Rules
Illustration E Notice of Automatic Repeal of Adopted Rules
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Illustration E Format for Statements of Objections or Recommendations Issued by the Joint Committee on Administrative Rules
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AUTHORITY: Implementing and authorized by the Illinois Administrative Procedure Act (Ill. Rev. Stat. ~~1989~~1991, ch. 127, ~~para. 1001-1~~ et seq.) [5 ILCS 100/1-1 et seq.].

SOURCE: Adopted at 7 Ill. Reg. 10880, effective September 1, 1983; amended at 7 Ill. Reg. 16460, effective January 1, 1984; amended at 8 Ill. Reg. 12489, effective July 1, 1984; amended at 8 Ill. Reg. 19831, effective October 1, 1984; emergency amendments at 9 Ill. Reg. 427, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 9180, effective May 31, 1985; emergency amendments at 10 Ill. Reg. 4014, effective February 19, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 12080, effective July 1, 1986; amended at 11 Ill. Reg. 724, effective January 1, 1987, and May 1, 1987; amended at 15 Ill. Reg. 13939, effective September 10, 1991; amended at 17 Ill.

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Reg. _____, effective _____.

NOTE: Italics denotes statutory language.

SUBPART A: DEFINITIONS AND CODIFICATION

Section 100.100 **Codification** Rulemaking Compliance

This Part describes the procedures involved in promulgating rules in codified form, including both Illinois Register publication and filing requirements. All rules filed with the Administrative Code Division must be in compliance with the **codification** rulemaking system described within this Part pursuant to **Section 7** Article 5 of the Illinois Administrative Procedure Act (Ill. Rev. Stat. ~~1909~~ 1991, ch. 127, par. 1007). (5 ILCS 100/1-1 et seq.)

(Source: Amended at 17 Ill. Reg. _____, effective _____.)

Section 100.110 **Definitions**

The following definitions shall apply to this Part:

"Act": The Illinois Administrative Procedure Act, **as--amended** (Ill. Rev. Stat. ~~1909~~ 1991, ch. 127, pars. ~~1001~~ 1001-1 et seq., as amended) (5 ILCS 100/1-1 et seq.). Also referred to as the IAPA.

"Administrative Code Division": A division of the Index Department of the Office of Secretary of State which coordinates the codification process, maintains the official file of rules of the state's agencies, and publishes the Illinois Register and the Illinois Administrative Code. (Also referred to as "Code Division".)

"Agreements": All changes made by agreement between an agency and the Joint Committee on Administrative Rules during the second notice period.

"Amendment": A change to a Section including added language, deleted language and/or renumbering. A Part is also amended by the addition or repeal of a Section.

"Appendix": Supplementary material to the Part such as diagrams, charts, maps, and explanatory information. Such material appears at the end of the Part and is labeled with capital letters. A maximum of 10 Appendices, Tables, Exhibits or Illustrations may be used per Part. The use of such material is discouraged and should be used only when absolutely necessary. Exhibits, Illustrations, and Tables may also appear as subsections of one another.

"Authority": The right or power to promulgate ~~(make)~~ rules. Such authority usually appears in the Illinois Revised Statutes or in an

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Executive Order of the Governor. (See Section 100.320)

"Authority Note": The paragraph appearing after a Part's table of contents which cites the statutes or Public Act **which** the Part is implementing, and the statutes **that which** give the agency the authority to promulgate rules. (See Section 100.320)

"Camera-Ready Copy": A clear, legible, original document which is clear and legible when reproduced, even when reduced by 50% in reproduction. A document is camera-ready when it is clearly typed (or produced on word processing or computer equipment) in solid black ink on one side of an 8 1/2 by 11 inch sheet of white paper (uncoded stock). Neither dot matrix type nor photocopies are considered to be camera-ready. Uncoded stock means that bond paper with a visible watermark (when the paper is held up to the light) shall not be used.

"Certificate of Expedited Correction": The certificate issued by the Joint Committee on Administrative Rules to the Administrative Code Division certifying that an adopted rule has been corrected pursuant to Article 5 of the Act. (5 ILCS 100/5-85) See Appendix B, Illustration I.

"Certificate of Review and Approval": The Certificate issued to an agency for a Part, amendments to a Part, or a repeal of a Part stating that the Section(s) within a Part has been reviewed by the Administrative Code Division and that the Part meets the specifications of the Illinois Administrative Procedure Act. (The Certificate is filed in the Code Division with the adopted rules.) (See Section 100.550 and 100.Appendix E, Illustration C)

"CFR": The abbreviation used to designate the Code of Federal Regulations, the publication containing the rules of federal agencies and which is updated by the Federal Register (FR).

"Chapter": A division of the Illinois Administrative Code. Each Chapter within the Code designates a state agency.

"Code": The Illinois Administrative Code. (**Abbreviated** abbreviated "Ill. Adm. Code")

"Code Citation": A citation to the Illinois Administrative Code. Such citation contains the Title number, the Code abbreviation (Ill. Adm. Code) and the Part or Section number and/or other unit of the Code and its label. (See Section 100.370)

"Codification": Assigning a numbering system to rules which meets the criteria set forth in the Act and this Part.

"Cover Letter": The letter which must accompany all documents

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submitted to the Administrative Code Division for filing and/or publication. Such letter must detail the documents which it accompanies with specific instructions for the Code Division's handling of the material (e.g., including but not limited to, whether the material is to be published in the Register, filed as adopted or reviewed by the Code Division's staff).

"Emergency Rule": A rule (or amendment or repealer) adopted without prior notice or hearing due to a situation which the agency finds constitutes a threat to the public interest, safety or welfare. Emergency rules expire 150 days after filing and may not be adopted more than once in a 24-month period except as specified in Section 5-02 5-45 of the Act. (See 1 Ill. Adm. Code 100.Subpart F)

"Expedited Correction": A correction of the text of a rule adopted by an agency and filed with the Secretary of State effectuated pursuant to Section 5-85(b) of the Act.

"General Assembly": The Illinois Senate and the House of Representatives and their respective committees.

"Heading": The name of a division of the Code (for example, the heading for this Part is "Rulemaking" (See Section 100.130 for all code-divisions); also the information which must appear at the top of each page for both Register publication (includes the Register heading, the agency name and the type of rulemaking action, (See 100.Appendix A, Illustration A) and for codified rules filed with the Administrative Code Division (includes the Title, Subtitle (if applicable), Chapter, Subchapter (if applicable), Part, Subparts (if applicable), and Section numbers -- See 100.Appendix B, Illustration D). (See Section 100.300)

"Illinois Administrative Procedure Act": See "Act"

"Illinois Compiled Statutes": The laws of Illinois as codified pursuant to Section 5.04 of the Legislative Reference Bureau Act. (Ill. Rev. Stat. 1991, ch. 63, par. 29.4, as amended by P.A. 87-1005) (25 ILCS 135/5.04) (abbreviated "ILCS")

"Illinois Register": The weekly publication which contains the rulemaking activity of the state's agencies, JCAR notices, the Governor's Executive Orders and Proclamations and other materials required by statute. (abbreviated "Ill. Reg.") Also referred to as "Register."

"Illinois Revised Statutes": The laws of Illinois as codified and published by the West-Publishing-Company Illinois State Bar Association. (abbreviated "Ill. Rev. Stat.")

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"Implemented Statutes": Those sections-of-the laws contained in the Illinois Revised Compiled Statutes which an agency promulgates rules to supplement or further define. (See Section 100.320)

"JCAR": The abbreviation for the Joint Committee on Administrative Rules, the legislative committee agency responsible for reviewing current rules of the state's agencies as well as all rulemaking action.

"Label": The number or letter assigned to the divisions of the Code and-to-their-subsections-which-identifies-the-particular-code-division or-subsection.

"LIS": The abbreviation for the Legislative Information System, the agency responsible for the data processing requirements of the General Assembly.

"Main Source Note": The paragraph following the Part's authority note which traces the history of the Part. (See Section 100.330)

"Notice of Recodification": The Notice published in the Illinois Register when an existing Part's number is changed but the text remains the same, portions of a Part are renumbered, including splitting one Section into two or more Sections or combining two or more Sections into one Section, or an entire Part is renumbered without changing substantive text. (See also "Recodification")

"P.A.": The abbreviation for Public Act, a law enacted by the Illinois General Assembly.

"P.L.": The abbreviation for Public Law, a law enacted by the United States Congress.

"Part": A division of the Code; the designation for a unified set of Sections (rules) related to a single function of the agency. A maximum of four digits may be used for a Part number. Parts-are-usually-no longer-than-60-pages-and-may-be-shorter.

"Peremptory Rule": A rule for amendment necessitated by federal laws, federal rules or court orders which preclude compliance with the general rulemaking requirements of the Act as specified in Section 5-03 5-50 of the Act. (See Subpart G).

"Recodification": The process of reassigning Code division labels to an existing Part while not changing substantive text. This includes the renumbering of an entire Part to a new Part number, renumbering entire Sections within a Part, splitting one Section into two or more Sections, moving part of a Section to another Section, combining two or more Sections into one Section and moving Sections (or subsections)

NOTICE OF PROPOSED AMENDMENT(S)

of one Part to a different Part. (See "Notice of Recodification")

"Refusal to Certify Expedited Correction": The decision by the Joint Committee on Administrative Rules to not approve an Expedited Correction. This notice shall be published in the Register.

"Regulatory Flexibility Analysis": An analysis of how the rule may affect small businesses, not for profit corporations or small municipalities. An agency proposing new rules or amendments ~~pursuant to Section 5-01 of the Act~~ must include an Initial Regulatory Flexibility Analysis (see Section 5-30 of the Act) on the Notice of Proposed Rules. A Final Regulatory Flexibility Analysis must accompany the agency's submission of its proposed rules to JCAR for the second notice period, pursuant to Section 5-01(b)(5-40(c) of the Act. (See also Section 4-03 of the Act and Section 100.415(a) of this Part.)

"Renumbering": The term used when the number(s) of one or more Section(s) but not all Sections of a Part are being changed within the same Part. Renumbering involves entire Sections. (For Sections being split into two or more Sections or combined into one Section, please refer to "Recodification.") Replacement pages are required for renumbered Sections where no text remains. The order of the Sections must still remain in strict numerical order, and, if the Part has Subparts, the Subparts must remain in strict alphabetical order and the Sections must remain in strict numerical order. Therefore, when more than ~~two~~ six Sections are being renumbered within one Part, or when Sections within Subparts are renumbered into other Subparts thereby throwing off the strict alphabetical order of the Subparts or the strict numerical order of the Sections, recodification is required rather than renumbering. In this instance and for renumbering Sections of one Part to another Part or renumbering an entire Part to a new Part number, please refer to "Recodification".

"Repeal": The process of rescinding (revoking, cancelling) a rule.

"Replacement Page": The page which must be filed with the Code Division when a Section has been renumbered, recodified or repealed or an entire Part has been recodified or repealed and no text remains. The table of contents page when an emergency rule or amendment has been allowed to expire without permanent adoption.

"Request for Expedited Correction": The request an agency files with the Joint Committee on Administrative Rules and which the Joint Committee on Administrative Rules forwards to the Administrative Code Commission for an expedited correction for an adopted rulemaking. (See Section 5-85 of the Act)

"Rule": A rule, regulation, or order of general applicability that implements, applies or interprets policy; a Section of a Part. (See

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also Section 3-091-70 of the Act)

"Secretary of State": The Administrative Code Division, a department division of the Index Department of the Secretary of State's office.

"Section": A division of the Code; a rule which focuses on a single concept. A Section is a unit of a Part.

"Section Number": The number used to identify the Section. The Part number always precedes the decimal point in a Section number. (For example, this Section is Section 100.110.) A maximum of four digits may be used after the decimal point to identify Sections of a Part. Expansion room should be left between Section numbers for future additions to the Part.

"Section Source Note": A statement following a Section of a Part which indicates the last action (other than codification) on that Section unless that action was the original filing of the Part. (See Section 100.330)

"Short Title": A title of an Act which may should be used to identify that Act. Unless a short title is actually specified in the Act itself, a short title may not be used. Whenever a short title is referenced, it shall not appear in quotation marks.

"Source Notes": Statements containing the history of the rule including the current action. (See "Main Source Note" and "Section Source Note".)

"Statement of Statewide Policy Objectives": The statement as specified in Section 5 of the State Mandates Act (Ill. Rev. Stat. 1989 1991, ch. 85, par. 2205) (30 ILCS 805/5) and which must appear on the Notice of Proposed, Emergency or Peremptory Rules. (See Sections 100.410(a)(10), 100.415(b), 100.610(a)(11) and 100.710(a)(12) of this Part and Section 5-10-(d) 5-10(d) of the Act).

"Statutory Citation": The citation of an Act, either state or federal, or ~~a federal rule~~ containing the information necessary for the reader to locate the Act in the Illinois Revised Statutes, the United States Code, the Illinois Annotated Statutes, the United States Code, and the United States Code Annotated. ~~7--or--the rule in the Code of Federal Regulations or the Federal Register. Also, the citation of a state or federal rule containing the information necessary for the reader to locate the rule in the Code of Federal Regulations or the Federal Register. See Illinois Administrative Code, of the Illinois Register.~~

"Style Manual": The manual prepared by the Administrative Code

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Division which is to be used in conjunction with this Part and the IAPA and which gives examples for agencies to follow when promulgating rules in codified format. (See Section 100.110.)

"Subchapter": A division of the Code; the designation for a group of related Parts under a single agency (Chapter). Subchapters may correspond to organizational divisions of the agency.

"Subpart": A division of the Code; the designation used to indicate major divisions within a Part. Subparts may correspond to different groups of people affected by the Part.

"Subsection": A division of a Section. A maximum of four levels of subsections may be used. (See Section 100.340)

"Subtitle": A division of the Code; the designation for subject areas within a Title which are focused on particular issues or subjects but which involve the rules of more than one agency.

"Title": A division of the Code; the designation for a broad subject area.

"U.S.C.": The abbreviation for the United States Code, the official publication containing the laws of the United States.

"U.S.C.A.": The abbreviation for the annotated edition of the United States Code.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.120 Agencies Covered

All agencies of the executive, judicial and legislative branches of state government are subject to the rulemaking provisions of the IAPA except the Governor, the General Assembly, the Supreme and Appellate Courts and those agencies specifically exempted by legislation. (Please refer to Sections 2 and 3-01 See Sections 1-5 and 1-20 of the Act.)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.130 Illinois Administrative Code Organization

The Illinois Administrative Code is arranged by seven major divisions: Title, Subtitle, Chapter, Subchapter, Part, Subpart, and Section. (Please refer to See Section 100.110 for definitions of these divisions). There are 32 33 titles within the Code, each covering a broad subject area. These Titles are listed in Section 100.140.

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(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.140 Codification Outline

The 32 33 Titles of the Code, with their applicable Subtitles, are listed below. If an agency does not know where it appears in the Code outline, it must contact the Administrative Code Division, which maintains a detailed outline including Chapters, Subchapters and Parts.

Title 1: Rules and Rulemaking General Provisions

Title 2: Governmental Organization

Subtitle A: Legislative Agencies

Subtitle B: Courts and the Judiciary

Subtitle C: Individual Constitutional Officers

Subtitle D: Code Departments

Subtitle E: Miscellaneous State Agencies

Subtitle F: Educational Agencies

Title 3: Legislature

Subtitle A: General Assembly

Subtitle B: Legislative Management Agencies

Title 4: Discrimination Procedures

Title 8: Agriculture and Animals

Title 11: Alcohol, Horse Racing, and Lottery

Subtitle A: Alcohol

Subtitle B: Horse Racing

Subtitle C: Lottery

Title 14: Commerce

Subtitle A: Regulation of Business

Subtitle B: Consumer Protection

Subtitle C: Economic Development

Title 17: Conservation

Title 20: Corrections, Criminal Justice, and Law Enforcement

Title 23: Education and Cultural Resources

Subtitle A: Education

Subtitle B: Cultural Resources

Title 26: Elections

Title 29: Emergency Services, Disasters, and Civil Defense

Title 32: Energy

Title 35: Environmental Protection

Subtitle A: General Provisions

Subtitle B: Air Pollution

Subtitle C: Water Pollution

Subtitle D: Mine Related Water Pollution

Subtitle E: Agriculture Related Water Pollution

Subtitle F: Public Water Supplies

Subtitle G: Waste Disposal

Subtitle H: Noise

Subtitle I: Atomic Radiation

Subtitle J: Environmental Research

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- Subtitle K: Environmental Financing
 Subtitle L: Environmental Occupations
 Title 38: Financial Institutions
 Title 41: Fire Protection
 Title 44: Government Contracts, Procurement and Property Management
 Subtitle A: General Procurement
 Subtitle B: Supplemental Procurement Rules
 Subtitle C: Governmental Records
 Subtitle D: Property Management
 Subtitle E: Miscellaneous Provisions
 Title 47: Housing and Community Development
 Title 50: Insurance
 Title 53: Intergovernmental Relations
 Title 56: Labor and Employment
 Title 59: Mental Health
 Title 62: Mining
 Title 68: Professions and Occupations
 Title 71: Public Buildings, Facilities, and Real Property
 Title 74: Public Finance
 Title 77: Public Health
 Title 80: Public Officials and Employees
 Subtitle A: Merit Employment Systems
 Subtitle B: Personnel Rules, Pay Plans, and Position Classifications
 Subtitle C: Labor Relations
 Subtitle D: Retirement Systems
 Subtitle E: Ethics
 Subtitle F: Employee Benefits
 Subtitle G: Payroll Deductions
 Subtitle H: Deferred Compensation
 Subtitle I: General Travel Control
 Title 83: Public Utilities
 Title 86: Revenue
 Title 89: Social Services
 Title 92: Transportation
 Title 95: Veterans and Military Affairs

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.150 Notice of Codification Changes

- a) Prom--time--to--time style changes are may be made by the Administrative Code Division in the codification of rules to:
- 1) facilitate the public's use of the Code,
 - 2) comply with the requirements of the computer data base, or
 - 3) bring previously filed codified rules into compliance with the current style format style.
- b) When such changes are made to codified rules, they are nonsubstantive

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- c) and do not affect the meaning of the text.
 Before filing codified rules with style changes, the Administrative Code Division will notify the agency of all changes made and will request a certification from the agency authorizing the rules as changed to be filed.
 d) The Administrative Code Division will publish, upon receipt of the certification from the agency, a Notice of Codification Changes in the Illinois Register. (See 100.Appendix E, Illustration D)
 e) A Notice of Codification Changes will also be published for changes the Administrative Code Division makes to the file copies of Emergency and Peremptory rules. These codification changes shall affect neither the validity of the rule nor its effective date.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.160 Deletion or Transfer of Rules

In the event an agency is abolished, agencies are consolidated, or agencies are reorganized, the Administrative Code Division shall follow the procedures outlined in Section 74 74 5-80(d) of the IAPA.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.180 Style Manual

The Administrative Code Division has prepared a Style Manual to aid agencies in the codification rulemaking process. Copies of the Style Manual may be obtained by calling--or--writing--to contacting the Code Division at the following address:

Administrative Code Division
288--Centennial--Building 111 E. Monroe Street
 Springfield, IL 62756
 (217) 782-9786

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBJECT B: ILLINOIS REGISTER

Section 100.200 Publication Schedule and Deadline

- a) The Administrative Code Division publishes and distributes the Illinois Register on Friday of each week. However, if Friday is a state holiday, the Register is published and distributed on the next work day.
 Pursuant to the provisions of this Part, all documents submitted to the Administrative Code Division for Illinois Register publication and

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shall be received by 4:30 p.m. on Tuesday 12:00 p.m. on Tuesday shall be published in the following week's Register. If Tuesday is a state holiday, the deadline becomes 4:30 p.m. on Monday (the day before the normal deadline) since the Code Division staff must still prepare the Register for publication and send it for printing by Thursday of each week. The Code Division strictly enforces this deadline. All approved documents will appear in the following week's Register.

c) However, all new rules, amendments, or repeals and expedited corrections which an agency is ready to adopt must be submitted to the Code Division either five working days prior to the date the agency wishes to adopt the material or, if a later effective date is specified, five working days prior to the Register deadline listed in subsection (b) above. (See also Section 100.550) This allows the Code Division staff adequate time to review the material and allows the agency adequate time in which to make the necessary corrections and resubmit the material to the Code Division.

d) Copies of the current year's publication schedule with deadline dates are available upon request from the Code Division published weekly in the Illinois Register.

e) If the Code Division staff determines that a week's Register will be over 300 pages due to the amount of material submitted and approved for publication prior to the Tuesday deadline, the staff will begin compiling the Register for publication early. In the event, that an agency which has submitted a proposed rule for publication and subsequently wishes to withdraw that proposal prior to its publication, but after the rule has already been incorporated into the Register compilation, the agency may withdraw the rule only by submitting for publication a Notice of Withdrawal of Proposed Rules. (See 100. Appendix A, Illustration C) No agency may withdraw an adopted, emergency, or peremptory rule or expedited correction once it has been filed in with the Code Division.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.210 Contents

Each issue of the Illinois Register will contain a table of contents by agency in alphabetical order within the following categories (not necessarily in this exact order):

- a) Proposed rules
- b) Adopted rules
- c) Emergency rules
- d) Peremptory rules
- e) Public Hearings on Proposed Rules
- f) Agency action on statement in response to a Statement of objection
- g) Request, Refusal or Approval of Expedited Correction
- h) Notice of Corrections

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- i) Notice of Regulatory Flexibility Impact Analysis
- h) Notice of Codification Changes
- tk) Joint Committee on Administrative Rules - Notices;

- 1) Agenda
- 2) Statements of Objection or Suspension or Prohibited Filings
- 3) Agency Failure to Respond
- 4) Second Notices Received

- j) JCAR Review of Existing Rules - Statement of Objections and Recommendations

km) Notice of Failure to Remedy JCAR Objections

tn) Executive Orders and Proclamations

mo) Other information required by law to be published in the Illinois Register

np) A Cumulative Index and a Sections Affected Index.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.220 Publication Requirements

a) All documents submitted for publication shall meet the following requirements:

- 1) Each document shall be typewritten (or produced on word processing or computer equipment) on 8 1/2 x 11 inch white paper (at least 20 lb. weight) and shall be single-spaced. One original (camera-ready) and 4 copies shall be submitted with the exception of proposed rules which shall require 5 copies. (See definition of "Camera-ready Copy" in Section 100.110) The original and all copies shall not be stapled together nor three-hole punched.
- 2) Each page of the document shall be headed ILLINOIS REGISTER (all in capital letters) centered on a solid line exactly one inch from the top of the page as shown in the Appendices. In addition, on each page of the document, the agency's name, all in capital letters, shall appear one double-space under the solid line, centered on the page, and the action heading, all in capital letters, shall appear one double-space under the agency name, centered on the page.
- 3) There shall be a one inch margin from all sides of the page. Only one side of the page shall be used.
- 4) All documents submitted to the Code Division for publication shall include notice page(s) and follow specific formats as outlined in the Appendices contained in this Part. The numbered questions shall be underlined, double-spaced and answered with a statement. Non-applicable is not an acceptable answer to any of the questions.
- 5) Each document submitted for publication which concerns rulemaking must specify the Part's heading, the Code citation, and the specific Sections of the Part involved. (Subsections shall not be specified except in the text of the document.) In addition, the

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document shall specify a Register citation along with the issue date if it concerns rules published in the Illinois Register.

- 6) When submitting proposed rules that include any new Parts or Sections, an agency with available technology shall submit an American National Standard Code for Information Interchange (ASCII) format file in a 3 1/2 inch disk along with the paper copies.

- b) The headings on the Notice (as required by Sections 100.410, 100.530, 100.610 and 100.710) and the pages of text must agree. (For example, if the Notice says "Notice of Proposed Rules", then the text pages must also say "Notice of Proposed Rules".) (Please refer to See Section 100.300 for further information on headings.)
- c) The action headings mentioned in subsections (a)(2) and (b) above shall be as follows for rulemaking activities:
- 1) If the rules comprise a new Part, the term "Rules" shall be used;
 - 2) If the rules comprise amendments (new Sections, amended Sections, repealed Sections) to an existing Part, the term "Amendments" shall be used;
 - 3) If the rules comprise a repeal of an entire Part, the term "Repealer" shall be used.

- d) Underscoring shall be used for the information required in Sections 100.410(a), 100.530(a), 100.610(a), 100.710(a), and 100.1110(a) as shown in 100.Appendix A, Illustrations A, C, D, and E; 100.Appendix B, Illustrations A, E, and F; G, H, and I; 100.Appendix C, Illustrations A and D; 100.Appendix D, Illustrations A and D; and 100.Appendix E, Illustrations A, B, and D, E and F.

- e) The entire table of contents for the Part, including the authority and the main source notes, must be published when any type of rulemaking activity (proposed, adopted, emergency, and peremptory new rules, amendments, and repealers and expedited corrections) is published in the Illinois Register.

- f) The Administrative Code Division shall perform the following duties:

- 1) Review all documents submitted to determine if they comply with the format and style requirements of this Part and the IAPA and, if adopted rules meet these requirements, the Code Division will ~~issue--a~~ sign the Certificate of Review and Approval. (See Sections 100.450 and 100.550)
- 2) Refuse to accept all documents which were submitted in non-compliance with the format and style requirements of this Part and the IAPA. The issuing agency will be contacted within 5 working days concerning documents which are refused with an explanation for the refusal. Refused documents will not be published in the Illinois Register until they are corrected and resubmitted to the Code Division.

(Source: Amended at 17 Ill. Reg. , effective)

Section 100.230 Publication of Materials Incorporated by Reference

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Standards, guidelines or ~~federal~~ rules incorporated by reference into an agency's rules (see Section 100.385) shall not be published in the Illinois Register. ~~All rules containing incorporations--by reference as specified in Section 6.02(b) of the Act--shall be submitted to JCAR--for approval--prior--to publication of the adopted rulemaking in the Illinois Register.~~

(Source: Amended at 17 Ill. Reg. , effective)

Section 100.240 Notices of Corrections

- a) At the agency's request, the Administrative Code Division will publish a Notice of Corrections to Proposed Rulemaking in the Illinois Register to inform all interested parties of any technical deficiencies in an agency's proposed rules, such as typographical, clerical, printing, copying or other inadvertent errors. Such Notice shall be prepared by the agency in accordance with the publication requirements outlined in this Part and shall contain the complete text of the proposed rulemaking as corrected. The publication of this Notice shall change the date of the commencement of the first notice period to the date the correction is published. (See 100.Appendix A, Illustration D) ~~However, only~~ Only non-substantive changes can be made by the agency after the commencement of the second notice period. Substantive changes shall be made only by written agreement with JCAR. (See Section 5-40(c) of the Act.) ~~pursuant--to Section 5-40(b) of the Act.~~

- b) The Administrative Code Division ~~will~~ shall decline to publish any corrections or file any replacement pages to rules which have been adopted and filed with the Code Division except codification changes ~~as noted in (Section 100.150) and expedited corrections (Section 100.560) subsection (d) below.~~

- c) An agency may correct information contained on a Notice published in the Illinois Register by submitting one original and 4 copies of a Notice of Corrections to Notice Only for publication in the Register. (See 100.Appendix E, Illustration B) Pursuant to Section 5-40 of the IAPA, a Notice includes not only the pages headed "Notice" but also the text of the rules. This Notice shall only be used when the file copy was correct and the Register published copy was incorrect or when the answers to the required questions at the beginning of a Notice were incorrect. Corrections to the text of an agency's proposed rulemaking may be made on a Notice of Corrections to Proposed Rulemaking. (See subsection (a) above and 100.Appendix A, Illustration D) ~~No corrections shall be made to any adopted rule filed in the Administrative Code Division except as noted in subsection (d) below.~~

- d) Agencies ~~are expected to carefully proofread all materials submitted to the Code Division--for filing--and/or--for--publication--including checking to ensure that the Register text agrees with the file copy text--in the event that an agency submits an adopted rule or amendment~~

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to the Code Division with the Register text being correct and the file copy being incorrect (different from the Register text in some way); the agency may submit corrected pages for the file copy to the Code Division within one week (seven calendar days) following publication of the issue of the Register containing the rulemaking; the agency shall, in this event, submit one original and 4 copies of a Notice of Corrections to Adopted Rules (100-Appendix B, Illustration P) to the Code Division for publication in the next available issue of the Register; the agency shall also submit one original and 2 copies of the file text being corrected which shall meet all the requirements for rules being filed pursuant to this Part. Errors which are discovered in the file copy text later than seven days following publication of the issue of the Register in which the notice of adopted rulemaking appeared can only shall be corrected by the agency going through the regular general rulemaking process to correct the errors or by the expedited correction process (see Section 100.250). In the event that the Register text and the file copy are both incorrect, whether or not the errors are identical, the agency may only correct the file copy by going through the regular rulemaking process. Such errors cannot be corrected by publishing both a Notice of Corrections to Notice Only and a Notice of Corrections to Adopted Rules (Amendments, Repeater).

- e) A Certificate and Notice of Expedited Correction shall be filed with the Administrative Code Division during normal business hours in accordance with procedures set forth in Section 100.250.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.250 Expedited Corrections

- a) A Request for Expedited Correction of Adopted Rules shall be forwarded by JCAR to the Administrative Code Division. (See 1 Ill. Adm. Code 100-Appendix B, Illustration G) The request must be accompanied by the complete text of the affected Section(s), indicating both the incorrect text and the agency's proposal for correction in accordance with Section 100.420(c). The correction shall be published in the next available Register.
- b) The Joint Committee on Administrative Rules shall then submit either a Refusal to Certify Expedited Correction (1 Ill. Adm. Code 100-Appendix B, Illustration H) or a Notice of Expedited Correction (1 Ill. Adm. Code 100-Appendix B, Illustration I) signed by the Executive Director of JCAR, and meeting all requirements outlined in Sections 100.200, 100.300, 100.500, 100.510, 100.520, 100.530, 100.540 and 100.550.
- c) If JCAR issues a Refusal to Certify Expedited Correction (1 Ill. Adm. Code 100-Appendix B, Illustration H), this does not prevent the agency from promulgating the rules through the general rulemaking procedures.

(Source: Added at 17 Ill. Reg. _____, effective _____)

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Section 100.260 Indexes

- a) The Administrative Code Division prepares a an annual publication consisting of both the cumulative Cumulative and Sections Affected index indexes for all codified rules appearing in the Illinois Register (rules listed alphabetically by heading under the agency name) for material published in the Illinois Register on an annual basis. The annual indexes will be distributed to all persons subscribing to the Illinois Register. Additional copies of the annual cumulative indexes for back volumes of the Register are available in limited supply from the Code Division for a fee. (See Section 100.280) All requests for copies of this publication must follow the procedures outlined in Sections 100.270 and 100.280.

- b) The Code Division also prepares a Sections Affected Index and a Cumulative Index for all codified rules appearing published weekly in the Register. This index These indexes lists list the Sections on which current rulemaking activity has occurred in the current volume of the Register by title of the Code and appears appear in the back of each issue of the Register following the Cumulative Index. Annual issues of this index will also be distributed to all subscribers with additional copies available from the Code Division for a fee. (See Section 100.280)

- c) All requests for copies of these indexes must follow the procedures outlined in Section 100.270 and 100.280.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.270 Illinois Register Availability

- a) Subscriptions

1) All agencies required to file rules under the Illinois Administrative Procedure Act and members of the Illinois General Assembly will, upon request, receive one subscription to the Illinois Register exempt from fee. Agency subscriptions are limited to each agency's principal office (a total of two free complimentary subscriptions are allowed for those agencies maintaining both a Springfield and a Chicago principal office; all other agencies receive only one free complimentary subscription).

2) All other persons wishing to receive an issue of the Illinois Register each week shall pay the annual subscription rate. (See Section 100.280)

- b) Microfiche copies of back volumes of the Illinois Register are available from the Administrative Code Division for a fee. (See Section 100.280)

- c) Print copies of back issues of the current volume of the Illinois

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Register are available in limited supply from the Administrative Code Division for a fee. (See Section 100.280) When the limited supply is depleted, requests for such copies will be denied.

d) The annual publication consisting of both the Cumulative and Sections Affected Index ~~mentioned in Section 100.260~~ **are** is not available by subscription, but may be obtained through Section 100.280(a)(4) ~~except as stated in Section 100.260(a) and (b)~~.

e) All requests for subscriptions (either new or renewed), single issues of the Register, microfiche copies of back volumes, the annual Cumulative and Sections Affected Indexes, must follow the procedure outlined in Section 100.280(b).

f) All requests for change of address must be in writing and four (4) weeks must be allowed for such changes.

g) No subscriptions to the Illinois Register shall be retroactively effective.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.280 Fees

a) Fees charged by the Administrative Code Division for the materials in Sections 100.260 and 100.270 shall not exceed the costs of the publication and mailing of the materials. Current fees for the Illinois Register materials cited in these Sections appear ~~in the back of the order form printed in each issue of the Register and are listed below:~~

- 1) One year subscription to the Illinois Register: \$290.00 per year per subscription.
- 2) Single issues of the current year: \$10.00 per copy.
- 3) Microfiche sets of back volumes of the Register: \$200.00 per set.

4) Copies of the annual publication consisting of the Cumulative and Sections Affected Indexes to the Register: \$5.00 per copy.

5) ~~For the above named materials will be accepted as charges to Master Card or Visa or in writing accompanied by a check or money order in the proper amount made payable to SECRETARY OF STATE. Cash will not be accepted. No subscriptions are taken for single issues, microfiche sets of back volumes or copies of the indices Indexes.~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBJECT: RULE DRAFTING REQUIREMENTS

Section 100.300 Headings

a) All rules submitted to the Administrative Code Division for publication in the Illinois Register must have the Register heading,

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the agency name and the action heading on each page pursuant to Section 100.220(a)(2) and (c) and the Appendices. (For a definition of "Heading," ~~please refer to~~ see Section 100.1107.)

b) Rules submitted to the Code Division for filing as adopted must have the Code heading on each page pursuant to Section 100.500 and 100.500 Appendix B, Illustration D.

c) Headings for a Part's table of contents

- 1) Beginning at least 2" from the top of the page (to allow for the Register heading, the agency name and the action heading for Register publication or the Code heading for file copies) and centered on the page shall be the following headings:

- A) The word TITLE and its label followed by a colon and the heading;
- B) The word SUBTITLE and its label followed by a colon and the heading (if applicable);
- C) The word CHAPTER and its label followed by a colon and the heading;
- D) The word SUBCHAPTER and its label followed by a colon and the heading (if applicable).

2) Each of the applicable headings listed above shall be all in capital letters (except where arabic numbers or small letter labels are used for the Code divisions) and shall appear, in order, on successive single-spaced lines. These headings as well as the Part number and its heading shall appear on the first page only of both publication and file copies.

3) One double-space below the Chapter, its label and heading, (or, if applicable, the Subchapter, its label and heading) shall appear the word PART (all in capital letters) and its appropriate number, centered on the page.

4) On the next line beneath the Part number shall be the heading for the Part, all in capital letters, centered on the page.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.310 Table of Contents

a) At the beginning of each Part shall be a table of contents which shows the applicable headings for Sections and Subparts, as specified in Section 100.1107, and which outlines the subparts (if any) and the Sections and Subparts included in the Part in numerical order.

- 1) If the Part has Subparts, the word SUBPART, its label, followed by a colon and the heading of the Subpart shall appear on one line, all in capital letters. The first Subpart and its label shall appear on the first line of the Part heading and shall appear one double-space below the Part heading. Each additional Subpart, label and heading shall appear one double-space below the last Section heading and shall be centered on the page.

and shall be

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separated by Subpart (if applicable). The word "Section" shall appear at the left hand margin. Directly under the word "Section" shall be the Section numbers with their appropriate headings to the right of and on the same line as the Section number. The Section numbers and headings shall be single-spaced.

3) Emergency Sections shall be listed with the word "EMERGENCY" under the Section heading until such time that the emergency rulemaking has expired or the proposed rulemaking has been adopted.

4) Supplementary Material

A) Any supplementary material contained in a Part (Appendices, Exhibits, Illustrations and/or Tables) shall be listed, single-spaced, in order with the appropriate word, label and heading. The headings for Sections of supplementary material shall include the Part number and be labeled with a capital letter. Subsections shall be listed under the Section heading excluding the Part number and indented five (5) spaces:

- i) If the Part has no Subparts, the list of supplementary material shall begin on the first line below the last Section listed; or
- ii) If the Part has Subparts, the list of supplementary material shall begin one double-space below the last Section listed.

B) Any supplementary material contained in a Part must be placed upright on the page, must fit within the margin requirements, and must be legible. All supplementary material must be camera-ready. (See the definition of "Camera-Ready Copy" in Section 100.110 and Section 100.350.)

C) Only the words "Appendix", "Exhibit", "Illustration" or "Table" may be used for supplementary material in a Part. ~~Rules--which--use--other--words--for--such--supplementary material--will--be--rejected--by--the--Code--Division--~~

b) Examples of correct tables of contents appear in the Style Manual and in adopted rules appearing in the Register.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.320 Authority Note

a) Each Part adopted shall include an authority note. The authority note shall indicate both of the following types of authorities in the order in which they are listed below:

1) Authority being implemented

The specific state statutes, federal laws or rules (or sections thereof) which the rules are implementing, interpreting, or applying. This is often a statute establishing a specific program administered by the agency and it may be the same as the

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authorizing statute. Multiple citations shall be used when necessary. A state statute shall always appear as well as any federal laws or rules.

2) Authority to Promulgate Rules

The specific state statute which authorizes the agency to adopt the rules, if not contained in the Act which the rules are implementing. This is often a section of the enabling Act of the agency or the Act creating the agency and may be implied. Occasionally, an Executive Order of the Governor may contain an agency's authorization to promulgate rules.

b) Citations to state statutes shall include both the name of the Act and an Illinois Revised Compiled Statutes citation (and/or the P.A. number and effective date if the P.A. has not yet been published in the statutes). Citations to federal laws shall include both the name of the law and either the U.S.C. or U.S.C.A. citation (and/or the P.L. number and the effective date if the P.L. has not yet been published in the U.S.C.). Citations to federal rules shall include both the name of the rules and the CFR or FR citation. Please refer to the Style Manual for examples of all statutory citations.

c) For information on statutory citations, please see Section 100.380(c) and (d).

d) The authority note for each Part shall be located one double-space below the last entry in the table of contents and shall be single-spaced.

e) Authority notes are supplemental references which are intended to be used for the convenience of the reader. They are not rules and do not have the force of law. Failure to cite a statute in an authority note shall not be construed to deprive an agency of any rulemaking authority that the statute contains.

f) Examples of authority notes are contained in the Style Manual.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.330 Source Notes

a) Each Part adopted in compliance with this Part shall include appropriate source notes. The two types of source notes are: main source notes and Section source notes.

1) The main source note shall indicate the location in the Illinois Register of the notice of adoption ~~of the rules~~ and the effective date. It shall also include Register citations for ~~any and all~~ amendments to the Part subsequent to the rules' original adoption. Main source notes are cumulative ~~in nature~~. The main source note shall be located one double-space below the authority note and shall be single-spaced.

2) A Section source note shall indicate the Register citation for the last action on that ~~particular~~ Section subsequent to the original adoption. Codification action shall not be indicated in

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a) Section source note. Section source notes appear one double-space below the last sentence of the Section and shall be single-spaced.

b) Main source notes ~~are intended to~~ indicate to the public when the Part was adopted or amended and where ~~to look for~~ the notice of the Part adoption may be found ~~action~~. Normally, only citations to the Illinois Register shall be indicated in the main source note and Section source notes, although amendment dates prior to Illinois Register publication shall be included only if specifically requested by the agency. The following situations are exceptions to this provision:

1) If a new Part is being adopted, the main source note shall have blank spaces for the volume, ~~and~~ page number of the Register, and ~~as well as~~ the effective date ~~unless a later date is known and specified~~.

2) If the set of rules was adopted prior to the publication of the Illinois Register, the main source note should indicate the exact title of the set of rules as it was adopted (if that title has changed significantly in codification), the date filed, and the effective date.

c) The agency may also supply additional information in the main source note to clarify the origin of the rules. For example, an agency may indicate the resolution, general order, or docket number used in the adoption of the rules; however, such numbers alone are insufficient.

d) When an agency drafts rules or amendments, regardless of the type of rulemaking occurring (proposed, adopted, emergency, or peremptory or expedited correction), the main source note shall ~~contain specify~~ the action ~~being taken along with~~ a Register citation with blanks left for the volume number of the Register, the page number on which the Notice of Adoption will appear and a blank for the effective date ~~although these three items are unknown at the time of proposal if the rulemaking is regardless of the type of rulemaking and an existing Part appropriate Section source notes shall also appear with blanks for the volume and page numbers as well as the effective date~~. Failure by an agency to include these items will necessitate the return of the rules being returned to the agency for corrections prior to their being published in the Illinois Register or filed in the Code of Illinois.

e) For examples of main source notes and Section source notes, please refer to the Style Manual.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.335 Automatic Repeal of Rules

a) An agency may provide for the automatic repeal of a rule (Section of a Part) by specifying in the text the date (including month, day and year) of the automatic repeal.

1) Such automatic Automatic repeal shall not be used to repeal or

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amend existing Sections on file in the Code Division, but shall be used only for new Sections ~~in a Part~~ or in a new Part.

2) Each Section of a Part which is to be automatically repealed must have specify the repeal date specified in the text.

b) Pursuant to Section 5-045-55 of the IAPA, not less than 30 nor more than 60 days prior to the effective date of the repeal, the agency shall publish notice of the repeal in the Illinois Register notice of the repeal. Such notice shall meet the requirements for Illinois Register publication specified in Section 100.220 and 100.Appendix B, Illustration E, and shall be:

1) for rules adopted through the regular general rulemaking process, as specified in Section 5-01 5-40 of the Act, as shown in 100.Appendix B, Illustration E; or

2) for rules adopted through the peremptory rulemaking process as specified in Section 5-03 5-50 of the Act, as shown in 100.Appendix D, Illustration D.

c) The notice specified in subsection (b) above shall contain the full text of the affected Sections, the complete table of contents for the Part indicating which Sections are being automatically repealed by adding the word "(Repealed)" immediately after the affected Section headings of the affected Sections, the authority note, and the main source note for the Part including a citation to the Notice of Automatic Repeal. Each affected Section must also contain the appropriate Section source note for the citation to the Notice of Automatic Repeal.

d) At the same time the agency submits the notice and text required by subsection (b) above, it shall also submit one (1) original and two (2) copies of the complete table of contents for the Part including the authority and main source notes and the necessary replacement pages for the Sections being automatically repealed. The replacement pages shall include the Code headings at the top of each page, the Section number and heading followed by the word "(Repealed)" and a Section source note to the citation for the automatic repeal.

e) Should the agency fail to submit the notice of the repeal in the time frame specified in subsection (b) and the Act, taking into consideration the time lag between submitting the material to the Code Division for publication and the actual publication of the Illinois Register, the automatic repeal date as specified in the rule(s) is technically void and the agency will have to go through the regular general rulemaking process in order to repeal the rulemaking. The 30 day period in which the notice is to be published in the Illinois Register means that it must requires the rule to appear in a published Register during that time period. A scheduled date of the current year is Register publication and deadline dates is available upon request from the Code Division.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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Section 100.340 Text of the Part; Subsections

- a) The text of each Part submitted for either publication or for filing shall be single-spaced. However, a double-space shall appear between the Section number and the first line of text and shall appear between the last line of one subsection and the first line of the next subsection. For rules published in the Illinois Register, the Section number and heading of the first Section being published shall appear one double-space below the main source note. For rules filed with the Code Division as adopted, the first Section shall appear on the next page following the main source note.
- b) Subsections shall be identified as indicated in the following **scheme** format. The proper indentation of each level of subsection, both for the labels and for the text, is also indicated.
- 1) First level of subsection: Use a), b), c), etc. Locate the label one and one-half (1 1/2) inches from left edge of page (indent 5 spaces from the margin) and locate the text two (2) inches from the left edge of the page.
 - 2) Second level of subsection: Use 1), 2), 3), etc. Locate the label two (2) inches from left edge of page (indent 10 spaces from the margin) and locate the text two and one-half (2 1/2) inches from the left edge of the page.
 - 3) Third level of subsection: Use A), B), C), etc. Locate the label two and one-half (2 1/2) inches from left edge of page (indent 15 spaces from the margin) and locate the text three (3) inches from the left edge of the page.
 - 4) Fourth level of subsection: Use i), ii), iii), etc. Locate the label three (3) inches from left edge of page (indent 20 spaces from the margin) and locate the text three and one-half (3 1/2) inches from the left edge of the page.
- c) A single paragraph within a Section is not labeled as a subsection. An opening paragraph (prior to labeled subsections or indented items such as addresses, formulas, or definitions) is allowed but unlabeled paragraphs at the same indent level as the opening paragraph following such labeled subsections or indented items or following labeled subsections at any level are not allowed. **A single complete sentence following such subsections or indented items is also not allowed--but instead must be labeled as a subsection.**
- d) Subsections beyond the fourth level are not allowed. Sections which contain further subsections must be divided into separate Sections.
- e) Sections which consist of definitions of various terms in alphabetical order **do** shall not **need to** include a subsection label for each definition, but the definitions must be indented as if they were being labeled. (For example, definitions in alphabetical order which would be labeled at the first indent level shall appear, unlabeled, with each line of text beginning two (2) inches from the left hand edge of the page.) There shall be only one definitions Section per Part except that each Subpart may also have a definitions Section. This Section should be the first Section within the specified codification

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- division. ~~Subsections~~ may appear in the text of other Sections if necessary to explain that particular Section or subsection Sections in that part or Subpart. ~~An alphabetical arrangement without a subsection label is usually clearer and allows for the addition or deletion of terms without re-labeling.~~ Other lists within Sections (for example, a list of recommended library books) may also be arranged alphabetically without subsection labels but must be indented properly. Lists of definitions or other items, if not in alphabetical order, must be labeled.
- f) When dividing a Section into subsections, do not use an a) without a b), a 1) without a 2), etc. However, in labeling a single Appendix, Exhibit, Illustration, or Table, the label "A" shall appear.
 - g) When referring to one or more subsections within the text of a subsection, the subsection label must be enclosed in parentheses.
 - h) Numbered or lettered phrases within a subsection are not allowed. Such numbered phrases must be indented to the proper level and labeled appropriately.
 - i) Since the codification system shall be *compatible with electronic data processing equipment and programs maintained by and for the General Assembly*, (Section 5-80 of the Act) the Section symbol, subscript or superscript letters, ~~the plus or minus sign~~, the division symbol, the delta symbol, the square root symbol, ~~tesser-than-and-greater-than symbol~~, and other similar signs and symbols, are not allowed within the text of an agency's rules. If an agency determines that a formula containing such symbols is **absolutely** necessary within the text of its rules and cannot write the formula in words rather than in symbols, the agency shall give a camera-ready copy of the formula to the Administrative Code Division to be used to scan into the rules for publication in the Illinois Administrative Code. If an agency determines that a sign or symbol not specified in this subsection must be included in the rule, the agency must contact the Code Division to see determine if it can be used prior to ~~the agency~~ submitting the proposed rules for Register publication.
 - j) All acronyms, abbreviations, ~~initialism~~ initials, and shortened forms which an agency wishes to use in the text of its rules must be spelled out in full the first time within each Part the reference appears with the acronym, abbreviation, ~~initialism~~ initials or shortened form placed immediately thereafter in parentheses. (A definitions Section at the beginning of each Part is preferable.) The agency may then use the acronym, abbreviation, ~~initialism~~ initials or shortened form throughout the remainder of the Part. ~~This includes shortened forms for referring to names of Public Acts and Public Laws but does not include the list of standard abbreviations shown in subsection (k) below.~~
 - k) Listed below are standard abbreviations and their meanings which do not have to be spelled out ~~in full~~ in an agency's rules as specified in subsection (j) above. If an agency wishes to use one of these abbreviations but wishes to attach a different meaning to it, it must follow the procedures outlined in subsection (j) above.

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- 1) All two letter abbreviations for the 50 states as designated by the United States Postal Service are allowed;
- 2) All chemical abbreviations for the elements are allowed;
- 3) The following are allowed examples of commonly known abbreviations:

Abbreviation	Definition
A.C.	alternating current
a.m.	ante meridiem, morning
Ave.	Avenue
Bldg.	Boulevard
Bur.	British thermal unit
C.	Centigrade, Celsius
C.D.T.	Central Daylight Time
C.F.R.	Code of Federal Regulations
ch.	chapter (statutory citation use only)
cm.	centimeter
C.S.T.	Central Standard Time (for other time zones)
cu.	cubic
D.C.	District of Columbia, Direct Current
Dr.	Drive
E.	East
e.g.	for example
et seq.	and those that follow
F.	Fahrenheit
FR	Federal Register
ft.	foot
ID	identification
i.e.	that is
ILCS	Illinois Compiled Statutes
Ill. Adm. Code	Illinois Administrative Code
Ill. Reg.	Illinois Register
Ill. Rev. Stat.	Illinois Revised Statutes
in.	inch
IRS	Internal Revenue Service
k.	kilogram
km.	kilometer
l.	liter
lb.	pound
Ln.	Lane
mg.	milligram
ml.	milliliter
mm.	millimeter
mph	miles per hour
Mt.	Mount
N.	North
n/a	not applicable

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ounce
page (Register citations to Volumes 1-4 only)
paragraph, paragraphs (statutory citations only)
post meridiem, afternoon
quart
Road
South
square
Saint, Street
United States
U.S.C.
West
yard

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.345 Renumbering Sections within a Part

No more than six (6) Sections can be renumbered within a Part without being reclassified. When renumbering Sections within a Part:

- a) the Part's table of contents shall show the following:

1) If no text remains at the Old Section number,
A) the Section number and heading remain and shall not have strike-outs but the word "(Renumbered)" shall be added underscoring at the end of the Section heading and shall be underscoring.

B) the new Section, to which the old Section is being renumbered, shall appear in the correct numerical order with the old number shown with strike-outs and the new number and heading underscoring shown immediately following with underscoring. The heading of the new Section shall also be underscoring since this Section has not existed before.

- 2) If new text is being adopted at the old Section number,

A) the new heading (which shall be underscoring) shall appear after the former heading (which shall have strike-outs).

B) the new Section, to which the old Section is being renumbered, shall appear in numerical order with the old number shown with strike-outs and the new number and heading underscoring shown immediately following with underscoring. The heading of the new Section shall also be underscoring since this Section has not existed before.

- t) the text of the Part shall show the following:

1) If the Section being renumbered is not being replaced by new text:

a) the old Section number and heading as it is currently or and the heading shall appear in the correct numerical

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order with the word "(Renumbered)" underscored **added** at the end of the Section heading **and underscored**. No text shall appear here but a Section source note indicating the Section's new location, the Register citation, and effective date shall appear.

- B) the new Section, to which the old Section is being renumbered, shall appear in numerical order with the old number shown with strike-outs and the new number and heading **shown immediately following with underscoring and the heading also being underscored**. The text of the Section shall appear here and, if any amendments are being made to the text, they shall be indicated by strike-outs and/or underscoring. A Section source note indicating from where the Section was renumbered and whether the Section is being amended, **along with** the Register Citation and effective date shall also appear.

- 2) If the Section being renumbered is being replaced by new text:

- A) the Section number shall appear followed by the old heading with strike-outs and the new heading with underscoring. The new text shall be shown with underscoring and an appropriate Section source note indicating the new location of the former text, **and** the new text being adopted, **along with** the Register citation and effective date shall also appear. The old text does not appear at the old number.

- B) in numerical order where the new Section appears, the procedures outlined in subsection (b)(1)(B) shall be followed.

- C) Only entire Sections may be renumbered. If an agency wishes to split one Section into two or more Sections or combine several Sections into one Section, recodification of the Part is required. **Please see** (See Sections 100.1100 and 100.1110) **for this procedure**.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.350 Supplementary Material

- a) Tabular materials, illustrations, diagrams, figures and other supplementary material included in a Part should be placed at the end of the Part and labeled as Appendices, Exhibits, Illustrations or Tables. Such materials should be used only when an agency deems them **absolutely** necessary; rules shall be in explanatory form whenever possible. Supplementary materials included in a Part filed with the Code Division shall be considered part of the rules and should be referred to within the text of the Part.

- b) Any Appendices, Exhibits, Illustrations or Tables appearing at the end of the Part shall be included in the Part's table of contents. Such supplementary materials shall be identified with capital letters and **the Part number** unless it is a subsection. If there is a subsection,

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it shall not include the Part number but shall be indented five (5) spaces below the Section.

- 1) An Appendix is generally in prose format and does not contain illustrations, tables, or other diagrams or drawings. If it is necessary for an Appendix to contain illustrations, tables or other diagrams or drawings, each illustration, table or diagram shall be labeled individually and shall become subsections of the Appendix.

- 2) A small Table which is small may sometimes be contained within a Section as long as it fits within the text margins of the subsection in which it appears, **in** in such a case, the Table is not labeled, but may have a heading. If the Table is larger than the subsection margins allow, the Table must be placed at the end of the Part and labeled with capital letters. An agency should either delete the Table from its rule through the regular general rulemaking process or must submit to the Administrative Code Division a camera-ready copy of the Table which will fit, with the applicable margin requirements, on an 8 1/2 x 11 inch sheet of paper.

- 3) An exhibit is usually a form; forms should be avoided, **if at all possible since they are not considered to be rules pursuant to** (See Section 3-09 1-70 of the Act.) Rather, references to the forms within the text of the Part shall be by form number or heading and can be incorporated into an Exhibit for explanatory reasons only. These forms shall be available from the agency and are not considered part of the rule. **If an agency adopts a form within its rules fitted with the Code Division, the form will be considered as part of the rule.**

- 4) An Illustration is generally a diagram or drawing. In those cases where the illustrations cannot be entered into the data base, the agency must submit to the Administrative Code Division a camera-ready copy of the Illustration; such copy must fit within the margin requirements as outlined in this Part both for filing and for Illinois Register publication. **(Please refer** Refer to Sections 100.220(a)(3), and 100.500(a))

- C) A maximum of 10 Illustrations, Appendices, Tables, or Exhibits may be used in each Part unless used in combination with one another. If an Appendix, Exhibit, Illustration or Table has subsections labeled with one or more of the remaining three terms, it shall have no text of its own.

- d) Pursuant to Section 100.310(a)(4)(B), all supplementary material shall be legible even when reduced by 50% for Register publication, shall fit within the applicable margin requirements, and shall be upright on the page.

- e) Whenever an agency adopts a rule containing material which cannot be entered into the computer data base, the agency shall prepare a master original of the material (photocopies are not allowed) for the Code Division's files **exclusive of the files containing the actual rules; so that the original may be used when each edition of the Code is**

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published.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.360 Proper Format

Examples of the proper format for adopting codified rules are contained in the Style Manual. Additional examples are available for inspection at the Administrative Code Division.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.380 Statutory Language and Statutory Citations

- a) Rules shall not unnecessarily repeat statutory language. Whenever it is necessary to repeat or paraphrase statutory language in a rule, it shall appear in distinguishing type. Italic type is expressly reserved for statutory language.
- b) If it is necessary for an agency to use a type other than italic for statutory language, a statement as to what type is used must be made immediately after the main source note. Underscoring is not considered to be distinguishing type because it is expressly reserved for added language in rules published in the Illinois Register.
- c) Statutory citations shall each include the date of the edition, preferably the most current edition. This requirement is to aid the public in researching the statutes which the rules are implementing and to ensure consistency of statutory citations within the Illinois Administrative Code. One statement specifying the edition for all citations within a Part is not allowed because the public may not see that particular statement and because this negates consistency within the Code.

d) Public Acts or Public Laws not yet published in the Illinois Revised Compiled Statutes or the United States Code, respectively, cannot have a citation to a published edition unless the Act or Law is amending an Act or Law in the specific published edition cited, in which case the words "as amended by" followed by the P.A. or P.L. number and effective date or the P.B. number and effective date appear within the statutory citation's parentheses but after the paragraphs of the Act in that citation. Public Acts or Public Laws which do not appear in a published edition must be cited by name of Act, P.A. or P.L. number and effective date.

e) Citations to statutes must be included immediately after the quotation or paraphrase as specified in Section 100.385. However, in the event that the Section of the Act being quoted has already been cited earlier in the Part, the agency shall only specify the Section and the title of the Act in which the quotation appears, either immediately before or immediately after the quotation, for each

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quotation appearing after the original citation to that statute omitting the statutory citation for these subsequent references.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.385 Incorporation by Reference; Citation of Referenced Material

a) An agency may incorporate by reference standards, regulations or rules of an agency of the United States or of a nationally or state recognized organization or association, pursuant to Section 6-02.5-75 of the IAPA.

1) The material being incorporated by reference must be identified by location and date and must state that no later editions or amendments are included.

2) The agency shall be required to maintain in its principal office a copy of the full text of adopted rules including standards or rules incorporated by reference.

b) If an agency cites sections Sections of a state or federal statute or state or federal rule within the text of a Part, the specific statutory citation must be included immediately following the first mention of the statute or rule within the Part. Thereafter, a citation to these particular sections Sections need not be repeated. Citations to different Sections of an Act or rule already cited must have the statutory citation added:

c) Agencies proposing rules or amendments containing incorporations by reference shall obtain approval for certain incorporations from AEAR pursuant to Section 6-02(b) of the Act and 1-111-Adm-Code-220.780.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.390 Footnotes; Agency Notes; Editor's Notes

a) Footnotes

An agency may include with its rules, as footnotes, the citations and brief digests of court cases and Attorney General's opinions. Such footnotes Footnotes shall be numbered in sequence, and the text of such footnotes shall be at the bottom of the same page where the footnotes appear in the text of the rule. These footnotes Footnotes shall be the only notes allowed to be numbered in this manner.

b) Agency notes

Occasionally an agency may need to explain something within the text of its rules; such explanation may not fit the normal format for codification. In such instances, an agency note may appear. The use of agency notes is discouraged. If the use of such a note is absolutely necessary, the agency shall contact the Administrative Code Division for the proper procedure that is to be followed in rules or amendments, or for the addition of amendments to published rules or amendments.

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containing agency notes, since agency notes may take several forms. In addition, agency notes shall fit within the margin requirements of the subsections to which they refer, and shall not be labeled except by "Agency Note" unless otherwise authorized by the Code Division, and shall not contain either subsections or lettered or numbered phrases. Any agency notes included in an agency's rules are considered part of the rule and must be adopted, amended, or repealed in the same manner as the rules are.

- c) Editor's notes
- Occasionally, in codification, the Administrative Code Division may add an Editor's note which cross references the rules of two or more agencies or explains a particular way the rule was codified or explains Administrative Code database style. The Administrative Code Division is the only agency allowed to add Editor's Notes to a rule since the Division is the Editor of the Illinois Administrative Code. Such notes are not part of the rule but are used solely for informational purposes to aid the reader.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART D: PROPOSED RULES

Section 100.400 Required Notice Periods

- a) There are two notice periods required in rulemaking, pursuant to Section 5-01 5-40 of the IAPA:
- 1) The first notice period is at least 45 days in length from the date the proposed rules appear in the Illinois Register. During this first notice period, the agency must allow interested persons who submit a request to comment during the first 14 days of the notice period reasonable opportunity to comment on the proposed rule. Request to comment may be submitted either orally or in writing at the agency's discretion. If a public hearing is to be held on the proposed rule, and notice of such does not appear on the Notice of Proposed Rules (Amendments, Repealers) for codification published in the Register, the agency may submit a Notice of Public Hearing on Proposed Rules for Register publication. (See 100.Appendix A, Illustration E) This Notice must meet the publication requirements outlined in Section 100.220.
 - 2) The second notice period begins on the day JCAR receives written notice from the agency and expires 45 days later unless, prior to that time, the agency and JCAR have agreed to extend the second notice period beyond 45 days for a period not to exceed an additional 45 days or the agency receives either a statement of objection from JCAR or notification that no objection will be raised. (See 1 Ill. Adm. Code 220 for information on submitting rules to JCAR for the second notice period.)

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- b) No more than one year may elapse from the date the proposed rule appeared in the Illinois Register until the date the rule is adopted or filed with the Administrative Code Division. Should more than one year elapse, such rule shall not be adopted or filed with the Administrative Code Division. (See Section 5-01(f) 5-40(e) of the Act) For example, if a proposed rule appears in the Illinois Register on March 1 of one year, it lapses on March 1 of the following year unless March 1 falls on a holiday or a weekend, in which case the lapsed time would be the following day.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.410 Notice of Proposed Rules

- a) Each proposed rule (amendment, repealer) submitted for publication in the Illinois Register (See Section 100.220) must be part of a Notice of Proposed Rules (Amendments, Repealers) at the beginning of which the information listed in subsections (1) through (12) below shall appear: (see also Appendix A, Illustration A). On the next page shall be following--the items listed in subsections 11-17--through-127 below; the full text of the rules, amendments, or repealer and, if the proposal is an amendment to or repeal of an existing Part, the text shall appear as it is on file and in effect in the Code Division with all changes indicated by strike-outs and/or underscoring (however, if an entire Part is being repealed, the text is printed without strike-outs and if a new Part is being proposed the text appears without underscoring):
- 1) The heading of the Part;
 - 2) The Code citation (include only the Title number, the Code abbreviation, and the Part number);
 - 3) Section Numbers (list in numerical order) (include supplementary material);
 - 4) The specific statutory citation upon which the Part is based and authorized;
 - 5) A complete description of the subjects and issues involved;
 - 6) Whether the proposed rule will replace an emergency rule currently in effect;
 - 7) Whether the proposed rule contains an automatic repeal date;
 - 8) Whether the proposed rule (amendment, repealer) contains incorporations by reference;
 - 9) Whether there are any other proposed amendments to this Part, other than those appearing in the same Register issue, pending. If so, specify the Section numbers, the proposed action, and a Register citation to the Notice of proposal;--this--means--any proposed--amendments--other--than--those--appearing--in--the--same--issue of--the--Register--as--this--proposal;

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- 10) A Statement of Statewide Policy Objectives (if applicable) ~~†††††~~
~~Rev-Stat-19857-ch-857-par-2205†~~ (See Section Sections 100.110
and 100.415(b));
 - 11) The time, place and manner in which interested persons may
present their views concerning the proposed action, and the name,
address and phone number of the individual within the agency who
may be contacted. All persons who submit a request to comment
within 14 days after this Notice has been published shall be
given a reasonable opportunity to submit data, views, arguments
or comments; and
 - 12) Initial Regulatory Flexibility Analysis ~~†††††~~~~Rev-Stat-19857~~
~~ch-127-par-100-4-03-and-1005-0††~~ (See "Regulatory Flexibility
Analysis", Section 100.110);
- A) ~~Rate rule was submitted to the Business Assistance Office of~~
~~the Department of Commerce and Community Affairs~~
- B) ~~A) Types of small businesses affected (See Section 1-75 of the~~
~~Act), small municipalities (see Section 1-80 of the Act) and~~
~~not for profit corporations (see Section 1-85 of the Act)~~
~~affected~~
- E) ~~B Reporting, bookkeeping or other procedures required for~~
~~compliance~~
- F) ~~C Types of professional skills necessary for compliance.~~

- b) Under the Section Numbers and Proposed Action columns at the beginning
of the Notice of Proposed Rules as shown above in subsection (a)(3) of
this Section shall be listed the specific Section Number(s) in
numerical order and the specific action being taken. If several
actions are occurring, each Section affected must be listed on a
separate line with the appropriate action listed on the same line
under the correct column. This enables the Code Division staff to
accurately compile the Sections Affected Index for each week's
Register. Appendices, Exhibits, Illustrations and Tables on which
rulemaking activity is occurring must also be listed under these
columns. ~~The Code Division has examples of the correct format for this~~
~~available upon request. If an agency omits from this listing one or~~
~~more All rules in which Sections and/or or any supplementary material~~
~~the text for which is included in the Notice or lists one or more~~
~~Sections or any supplementary material the text for which is not~~
~~included, or the action being taken is listed incorrectly, the~~
~~material will shall be returned to the agency for corrections prior to~~
its being published in the Illinois Register.

Only one Part shall be listed per Notice. All new Sections, amendments
to existing Sections, and/or repealers of Sections shall be contained
in this Notice. Only one Notice per Part for proposed rules will be
included in the Administrative Code Division for publication in a
single issue of the Register, unless the agency is repealing a Part in
this Notice and proposing a new Part to replace the repealed Part
(see 100.415(b) for more information). In this instance only, the Code Division will
publish the Notices of proposed rulemaking for one Part number, one for
the repealer and one for the proposed new Part, for

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- d) publication in the same issue of the Register.
If an agency is proposing, amending, or repealing more than one
Section, ~~several new Sections, amending several Sections, and/or~~
~~repealing several Sections~~, and the agency wishes to have any or all
of the Sections considered as separate rulemakings, the agency shall
specify under the Statutory Authority statute authority, the
particular Sections with the specific authority for each separate
rulemaking. The agency shall follow the same procedure in Section
100.410(a)(1) through 100.410(a)(12) for the complete description of
the subjects and issues involved, and, if necessary, specify different
people to be contacted for each separate rulemaking under the question
concerning time, place and manner for comments to be submitted. Only
by doing this may this procedure permit an agency to take those
portions of the rulemaking into second notice separately or adopt
those portions of the Part at different times.
- e) If an agency wishes to hold a public hearing on the proposed
rules, the information on the hearing may be included in the Time,
Place, and Manner item on the Notice (subsection (a)(11) above of this
Section) or the agency may submit a Notice of Public Hearing on
Proposed Rules as shown in Appendix A, Illustration B. Only Notice for
public hearings on proposed rules will be accepted for Register
publication unless a notice for another type of public hearing is
specifically required by state statute to be published in the
Register.

(Source: Amended at 17 Ill. Reg. _____, effective
_____)

Section 100.415 Other Statutory Requirements for Rulemaking

The following are statutory requirements for rulemaking:

- a) Regulatory Flexibility
 - 1) Prior to During the first notice period specified in Section
100.400, and pursuant to Section 4-03 5-30(c) of the IAPA, the
agency shall notify the Business Assistance Office of the
Department of Commerce and Community Affairs when the rules
affect businesses. Not for profit corporations or small
municipalities: the Secretary of State shall provide to the
Department of Commerce and Community Affairs a copy of any
proposed rules or amendments accepted for publication.
 - 2) Prior to or during the first notice period, if the agency or the
Department of Commerce and Community Affairs determines that
there is an impact on small businesses, not for profit
corporations or small municipalities the agency shall provide
additional notices to small businesses the impacted entities by
using one or more of the following, pursuant to Section 5-30(b)
of the Act:

- A) The inclusion in any advance notice of possible rulemaking a
statement that the rules may have an impact on small

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businesses, not for profit corporations, or small municipalities.

- B) The publication of a notice of rulemaking in publications likely to be obtained by small businesses, not for profit corporations, or small municipalities.
- C) The direct notification of interested small businesses, not for profit corporations, or small municipalities.
- D) The conduct of public hearings concerning the impact of the rule on small businesses, not for profit corporations, or small municipalities.

- E) The use of special hearing or comment procedures to reduce the cost or complexity of participation in the rulemaking by small businesses, not for profit corporations, or small municipalities.

- 3) During the first notice period, the Department of Commerce and Community Affairs, if it determines that the rulemaking will have an impact on small businesses shall complete a Regulatory Flexibility Analysis Notice to be published in the Illinois Register.

- 4) In order to carry out the provisions of Pursuant to Section 4-03 5-30 of the IAPA, the agency shall consider the impact of the rulemaking on small businesses, not for profit corporations, or small municipalities, using as guidelines paragraphs (a)(1-5) of the IAPA.

- 5) An agency must make a regulatory flexibility analysis when proposing rules. Agencies shall include the initial regulatory flexibility analysis on the Notice of Proposed Rules (Amendments, Repeals) for Illinois Register publication and a final regulatory flexibility analysis when submitting the proposed rule(s) to JCAR for the second notice period. If an agency determines that its rulemaking does not affect small businesses, not for profit corporations or small municipalities, it shall so state on the Notice of Proposed Rules (Amendments, Repeals). The term "n/a" shall not be accepted.

- b) Statement of Statewide Policy Objectives
This statement, pursuant to Section 5 of the State Mandates Act 7 Ill. Rev. Stat. 1991, ch. 85, par. 2205) (30 ILCS 805/5) shall be included on the Notice of Proposed, Emergency, or Peremptory Rules for Register publication. This statement must justify the imposition of the proposed requirements which would require necessitate a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues, and must explain why such policy objectives cannot be achieved in the absence of these proposed requirements.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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Section 100.420 Text of Proposed Rules

The text of proposed rules (see Section 100.220) shall begin on the next page following the last line of information required in Appendix A, Illustration A, shall contain the Register headings, the agency name and the action heading, i.e. NOTICE OF PROPOSED RULES (AMENDMENTS, REPEAL) (Since Section 5-03-5-40 of the IAPA specifies that requires a notice of rulemaking to contain the text), and shall contain the following information:

- a) If the proposal is a new Part: the full text of the Part including the headings, the complete table of contents, the authority note, and the main source note.
- b) If the proposal is a new Section of a Part with no other changes to the Part: the headings, the complete table of contents, the authority note, the main source note, and the full text of the new Section. The table of contents must show by underscoring the number and heading of each Section being added. Subparts and their headings should shall be shown in the text so that the public has a better understanding of how the new Sections relate to the Part as a whole and Section source notes must shall be included at the end of each new Section.
- c) If the proposal is an amendment to a Part (changed language in existing Sections or the addition or deletion of one or more Sections): the headings, the complete table of contents, the authority note, the main source note, and the full text of the affected Sections with language being added indicated by underscoring and language being deleted indicated by strike-outs. If Sections are being renumbered, this action must appear both in the table of contents and in the text of the proposal. Sections being either repealed or renumbered so that no text remains at that Section number shall indicate the word "(Repealed)" or "(Renumbered)" underscoring immediately following the Section heading in both the table of contents and the text. Subparts and their headings should shall be shown in the text so that the public has a better understanding of how the amendment relates to the Part as a whole and Section source notes must shall be included at the end of each Section.
- d) If the proposal is a repealer of a Section with no other changes to the Part: the headings, the complete table of contents, the authority note, the main source note, and the text of the Section being repealed. In the table of contents, the Section being repealed must have the word "(Repealed)" underscoring immediately after the heading. No strike-outs shall appear either in the text or the table of contents for Section numbers and headings of proposed repeals. Subparts and their headings should shall be shown in the text so that the public has a better understanding of how the repealed Section relates to the Part as a whole and Section source notes must shall be included for each Section being repealed.
- e) If the proposal is a repealer of a Part: the headings, the complete table of contents, the authority note, the main source note and the full text of the Part being repealed.
- f) If the Part has emergency amendments in effect at the time new

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amendments are proposed, the text of the proposal shall show the original text (prior to the emergency) with strike-outs and/or underscoring indicating all changes to the original text.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.430 Notice of Corrections

The Administrative Code Division shall, at the agency's request, publish Notices of Corrections in the Register. Such Notices shall be prepared by the agency. Please refer to Section 100.240 and 100.250 for further information concerning Notices of Corrections.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.440 Notice of Modification, Withdrawal, or Refusal to Modify or Withdraw a Rule

- a) When an agency elects to modify, withdraw, or refuses to modify or withdraw a proposed rule in response to ~~to meet~~ the objections of JCAR, the agency shall submit a Notice of Modification, ~~Withdrawal~~, or Refusal to Modify or Withdraw a Rule to be published in the Register. (See 100.Appendix A, Illustration C). An agency may withdraw a proposed rulemaking (cease rulemaking activity on that proposal) without having a JCAR objection by publishing a Notice of Withdrawal of Proposed Rules in the Register. (See 100.Appendix A, Illustration B ~~for the format for this type of Notice~~) Such Notice of Withdrawal of Proposed Rules (Amendments, Repealer), whether in response to a JCAR objection or not, shall be for the entire rulemaking proposed unless, pursuant to Section 100.410(d), the agency has divided the proposal into several rulemakings. If JCAR issues an objection on a proposed rule, amendment or repealer, the agency must respond to the objection directly to JCAR within 90 days of the receipt of the statement of objection. Failure to do so shall constitute withdrawal of the proposed rule, amendment or repealer and JCAR shall submit a notice to that effect in the next available issue of the Illinois Register. The agency's response to JCAR's objection ~~which must~~ shall be published in the Register, preferably ~~need not be published~~ not be published within the 90-day period of the objection, but it is preferable if the agency does so.
- b) If an agency responding response to a JCAR objection takes more than the type of action ~~in response to the objection~~ (that is, modifies or withdraws and/or refuses to modify or withdraw), the heading on the notice shall state the actions taken:

If the agency is withdrawing one or more Sections or portions thereof and modifying one or more Sections or portions thereof, the action heading shall state "Notice of Withdrawal and Modification Modification to meet the objections" Objections

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of the Joint Committee on Administrative Rules". It shall be noted, however, that withdrawal of one or more Sections in one particular rulemaking constitutes withdrawal of all Sections in that rulemaking. This Notice of Withdrawal and Modification may only be used when one entire rulemaking on a Part is being withdrawn and another entire rulemaking is being modified ~~on one~~ on one Notice.

- 2) If the agency is withdrawing one or more Sections or portions thereof and refusing to modify or withdraw one or more Sections or portions thereof, the action heading shall state "Notice of Withdrawal and ~~refusal~~ Refusal to modify Modify or withdraw Withdraw to meet the objections Objections of the Joint Committee on Administrative Rules". (See also the information concerning withdrawal of rules in subsection (1) above.)
- 3) If the agency is modifying one or more Sections or portions thereof and refusing to modify or withdraw one or more Sections or portions thereof, the action heading shall state "Notice of Modification and ~~refusal~~ Refusal to modify Modify or withdraw Withdraw to meet the objections Objections of the Joint Committee on Administrative Rules". (See also the information concerning withdrawal of rules in subsection (1) above.)
- 4) If the agency is taking all three actions, the action heading shall state Notice of Withdrawal, ~~modification~~ Modification, and ~~refusal~~ Refusal to modify Modify or withdraw Withdraw to meet the objections Objections of the Joint Committee on Administrative Rules". (Also refer to the information concerning withdrawal in subsection (1) above.)
- c) On the Notice of Withdrawal (Modification, Refusal to Modify or Withdraw) to Meet the Objections of the Joint Committee on Administrative Rules, the agency shall, under "Action," state the specific action being taken in response to the objection, i.e., withdrawal, modification or refusal to modify or withdraw. (See 100.Appendix A, Illustration C.)
- d) An agency may only take one action on each specific objection issued by JCAR: therefore, an agency may not elect to modify and refuse to modify or withdraw a portion of its rule in response to the same objection. However, the agency may take different actions on each of the specific objections if more than one objection has been issued by JCAR.
- e) An agency may withdraw a proposed rule without having a JCAR objection by publishing a Notice of Withdrawal of Proposed Rules, ~~Illustration B~~. (Use the format of See 100.Appendix A, Illustration B.)
- f) Publication of a Notice of Withdrawal of Proposed Rules, (Amendments, or Repealer) constitutes withdrawal of the entire rulemaking. However, if the agency has split the action on a Part into several rulemakings pursuant to Section 100.410(d), the agency may elect to withdraw only one of the rulemakings, but ~~that~~ the rulemaking shall be being withdrawn ~~is done so~~ in its entirety. This Notice is to be used only when withdrawing rulemakings prior to and instead of submitting the

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rulemaking's rulemaking being submitted to JCAR for second notice.
a) An agency which decides to withdraw one or more Sections from a proposed rulemaking due to comments received during the first notice period shall not publish a Notice of Withdrawal of Proposed Rules, (Amendments or Repeal) in the Illinois Register to that effect unless the Sections being withdrawn constitute the entire rulemaking. Rather, when submitting the proposed rulemaking to JCAR for second notice, the agency shall specify this withdrawal as a change made to the proposed rulemaking during the first notice period.

b) If an agency wishes to withdraw one or more Sections of a proposed rulemaking due to agreements made between the agency and JCAR during the second notice period, the agency shall not publish a separate Notice of Withdrawal of Proposed Rules, (Amendments or Repeal) unless the withdrawal involves the entire rulemaking. Rather, the Sections being withdrawn shall be listed on the Notice of Adopted Rules, (Amendments or Repeal) as changes between proposal and adoption.

c) If an agency wishes to withdraw a proposed rulemaking in its entirety and less than two (2) months remain before the one-year deadline at which time the proposed rulemaking will automatically lapse, a Notice of Withdrawal of Proposed Rules, (Amendments or Repeal) shall not be published in the Register. Rather, the agency shall simply let the rules lapse.

d) An agency wishing to withdraw one or more Sections of a proposed rulemaking due to a JCAR objection shall follow the procedures outlined in subsections (a)-(c) and (d) of this Section.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.450 Administrative Code Division Review of Proposed Rules

a) The Code Division staff will review all proposed rules to ensure that publication requirements as outlined in this Part have been met. If corrections are necessary, the Code Division staff will notify the agency, and the proposed rules, (amendments or repeal) will not be published in the Register until the material is corrected and re-submitted to the Code Division. This may mean a delay in publication for these materials. This review includes, but is not limited to, the following:

- 1) Register headings are correctly worded and spaced;
- 2) Questions required pursuant to Section 100.410(a) and 100.410(b), Illustration A appear in the correct order with the following questions checked for accuracy:
 - A) The heading of the Part;
 - B) The Code Citation;
 - C) Section Numbers and Proposed Action;
- 3) Appropriate source notes are included where necessary;
- 4) One original and four (4) five (5) copies were submitted with the

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original pages containing the required questions compiled with the original pages containing text and the four (4) five (5) copies identically compiled;

b) The Administrative Code Division will review all proposed rules for compliance with this Part during the first 45-day notice period and will send a list of comments on the codification of the proposed rules to the agency and to JCAR. This review includes, but is not limited to, the following:

- 1) Headings in the Part's table of contents match exactly the headings in the text;
- 2) Subsections are correctly labeled and/or indented;
- 3) Source notes are correct;
- 4) Titles of state Acts are correct and statutory citations and/or references to the Acts appear where necessary;
- 5) Names of agencies are correct;
- 6) Rules referenced properly and citations added where necessary;
- 7) Renumbering done correctly, if applicable;
- 8) Authority notes up-to-date and in the correct format;
- 9) Typographical and other inadvertent errors noted.

c) The Code Division shall again review the rules for filing, publication, and codification system compliance at the end of the second notice review period and upon the agency's submission of the rules for adoption and Register publication pursuant to Sections 100.545 and 100.550. This review ensures that the filing, codification, and publication requirements as outlined in this Part have been met.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART E: ADOPTED RULES

Section 100.500 Requirements for Filing

a) All rules, amendments or repeals shall be typewritten (or produced on word processing or computer equipment) on plain 8 1/2 x 11 inch, three-hole punched loose-leaf white paper (at least 20 lb. weight), suitable for being placed in a standard loose-leaf binder for paper that size. One original and two copies shall be filed. There shall be margins of one inch at the top and on each edge of the page and only one side of the paper shall be used. (See 100.410(b), Illustration D) All copies submitted shall not be stapled together.

b) Rules to be placed on file shall be titled ILLINOIS ADMINISTRATIVE CODE preceded by the appropriate Title number, centered on a solid line exactly one inch from the top of the page. On the right hand side of the solid line shall be the appropriate Chapter number and Part or Section number. (If an agency's word processing equipment cannot fit all this on the line, the word Chapter may be abbreviated to Ch. and

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the word Section may be abbreviated to Sec. or the Section Symbol may be used.)

- 1) If the Part being filed is contained in a Title which has a Subtitle, the word SUBTITLE and its appropriate label (capital letter) shall be centered on the page on the next line immediately below the solid line.
- 2) If the Part being filed is contained in a Chapter which has a Subchapter, the word SUBCHAPTER and its appropriate label (lower case letter) shall be located on the next line immediately under the solid line on the right hand side of the page. For codified rules being filed, each Section must begin on a new page.
- 3) The Title and its heading, the Section number and its heading or the text of the Section if the Section is longer than one page shall be located at least 2 inches from the top of the page to allow for the Code heading. (See subsection (b) above)
- 4) When a Section of a Part or a whole Part is repealed or renumbered so that no text remains, a replacement page must be filed: for the that Section, when only one Section is involved; or for each Section, when more than one Section is involved; or for the Part, when a Part is totally repealed or renumbered. These replacement pages will carry the Code heading as specified in paragraphs subsections (b) and (c) above, as well as the following information:
 - 1) For Sections which have been repealed and no text remains:
 - A) The Section number, the heading and the word "(Renumbered)"; or "(Recodified)";
 - B) A Section source note containing the Section number to which the Section has been renumbered or recodified and the registration citation for the action.
 - 2) For Sections which have been renumbered or recodified and no text remains:
 - A) The Section number, the heading and the word "(Renumbered)"; or "(Recodified)";
 - B) A Section source note containing the Section number to which the Section has been renumbered or recodified and the registration citation for the action.
 - 3) For Parts which have been repealed:
 - A) The Title, the Subtitle (if applicable), the Chapter, and the Subchapter (if applicable) along with their respective registration citations.
 - B) The Part number and its heading with the word "(REPEALED)";
 - C) A source note containing the Register citation for the repeal.

- 1) For Parts which have been recodified and no text remains:
 - 4) The Title, the Subtitle (if applicable), the Chapter, and the Subchapter (if applicable) along with their respective registration citations.
 - 5) The Part number and its heading with the word "(REPEALED)";
 - 6) The Part number and its heading with the word "(REPEALED)";
 - 7) The Part number and its heading with the word "(REPEALED)";
 - 8) The Part number and its heading with the word "(REPEALED)";
 - 9) The Part number and its heading with the word "(REPEALED)";
 - 10) The Part number and its heading with the word "(REPEALED)";
 - 11) The Part number and its heading with the word "(REPEALED)";
 - 12) The Part number and its heading with the word "(REPEALED)";
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 - 100) The Part number and its heading with the word "(REPEALED)";

rules filed with the Code Division shall be subject to other strike-outs or underscoring.

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(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.510 Other Documents Required for Filing Adopted Rules

- a) Each adopted rule submitted by an agency to the Code Division for filing and publication shall be accompanied by the following:
 - 1) An agency certification (See 100.Appendix B, Illustration C);
 - 2) A JCER Certification of No Objection issued on the rules, or, if JCER has issued an objection, the agency's response to such objection (see Section 100.440 and 100.Appendix A, Illustration C) and the JCER certification that the agency has responded to the objection unless the rules are statutorily exempt from JCER review;
 - 3) A cover letter (See Section 100.225);
 - 4) A copy of the JCER approval of the incorporations by reference pursuant to Section 100.225 of the Act, if applicable; and
 - 5) 4) A written copy of the JCER-agency agreements (See definition of "agreements" in Section 100.110) issued on the rulemaking resulting from the meeting between JCER and the agency.
- b) In the event JCER does not issue either a Certification of No Objection or a Statement of Objection and the agency and JCER have not agreed to an extension of the review period, the agency may submit the rules for adoption after the expiration of the 45-day second notice period without the information required in subsection (a)(2) above. However, this must be stated on the cover letter so that the Code Division will not reject the rules on this technicality.
- c) The Code Division does not issue its sign the Certificate of Review and Approval until the rules submitted meet the codification, filing and Register publication requirements outlined in this Part. This The original Certificate is filed with the rules, amendments or repealer and, unless the agency specifically requests a copy, the Code Division will not issue a copy to the agency since the fact that the rules have been filed is indicative that the certificate has been issued.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.530 Notice of Adopted Rules

- a) Each adopted rule submitted for Register publication shall be part of a Notice of Adopted Rules (Amendments, Repealers) (see Appendix B, Illustration A) at the beginning of which the information listed in subsections (1) through (16) below shall appear. On the next page following the information listed in subsections (1) through (16) below, the full text of the rules, amendments, or repealer and, if the adopted rulemaking is an amendment to an existing Part (except for a repeal of an entire Part or a repeal of one or more Sections of a Part with no rulemaking action occurring at the same time), the text as it is

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on file and in effect in the Code Division with all changes indicated by strike-outs and/or underscoring:

- 1) The heading of the Part;
 - 2) The Code citation (include only the Title number, the Code section number, and the Part number);
 - 3) Section numbers (Adopted Action (list in numerical order) (new Sections, amendments, repeals, renumbering, etc.) (include supplementary material))
 - 4) The specific statutory citation upon which the Part is based and authorized;
 - 5) The effective date of the adopted action (See also Section 100.530);
 - 6) Whether the rule contains an automatic repeal date (See Section 100.535);
 - 7) Whether the adopted rule (amendment) contains incorporations by reference pursuant to Section 6.02(b) of the Act and if so, whether a copy of the approval form from JCAR accompanies the rulemaking;
 - 8) Date filed in agency's principal office;
 - 9) The date(s) the Notice(s) of Proposed Rules was (were) published in the Illinois Register (include the Register citation(s) to the page);
 - 10) Whether JCAR issued a statement of objection to the rules and, if so, the following information:
 - A) Date and Register citation to the objection;
 - B) Date and Register citation to the agency's response;
 - C) Date agency submitted the response to JCAR;
 - 11) A statement of the changes made between the proposed and adopted versions;
 - 12) Whether all the changes agreed upon by JCAR and the agency have been made as indicated in the agreement letter issued by JCAR to the agency (See definition of "agreements," Section 100.110);
 - 13) Whether this rule will replace an emergency rule currently in effect. If an emergency was originally filed but has since expired, the answer to this question is "no";
 - 14) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as this adoption. If so, please specify the Section numbers, the proposed action and the Register citation to the Notice of Proposed Rules. (This means any proposed amendments other than those appearing in the same issue of the Register as this adoption);
 - 15) Summary and purpose of rulemaking; and
 - 16) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed.
- b) If numbering changes are made, these changes must be specified on the Notice.

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- c) Under the Section Numbers and Adopted Action columns at the beginning of the Notice of Adopted Rules (See subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Code Division staff to accurately compile the Sections Affected Index for each week's Register. Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns. ~~The Code Division has examples of the correct format for this available upon request.~~ If an agency omits from this listing one or more Sections or any supplementary material the text for which is included, or lists one or more Sections or any supplementary material the text for which is not included, or the action being taken is listed incorrectly, the material will be returned to the agency for corrections prior to its being published in the Illinois Register and prior to its being filed and taking effect.
- d) Only one Part shall appear per Notice. All new Sections, amendments to existing Sections and repeals of Sections must be listed on the one Notice. The Administrative Code Division will accept only one Notice per Part for adopted rules for publication in a single issue of the Register, unless the agency is repealing the Part in its entirety and adopting a new Part with the same subject matter to replace the repealed Part ~~(same subject matter)~~. In this instance only, the Code Division will accept two Notices of adopted rulemaking, one for the repealer and one for the new Part, for publication in the same issue of the Register.
- e) If an agency is adopting several Sections which were proposed as separate rulemakings, the statutory authority and description of the rulemaking shall be divided clearly ~~so that this is clear to the public.~~

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.540 Text of Adopted Rules

- a) The text of the adopted rules shall begin on the next page following the last line of information required on the Notice by Section 100.410 ~~through 100.530(a)(1)~~ through (16) and Appendix B, Illustration A, shall contain the Register headings, the agency name and the action heading (NOTICE OF ADOPTED RULES (AMENDMENTS, REPEALER)), and shall include the following information for publication in the Register:
 - 1) If the adopted rule is a new Part: the headings, the complete table of contents, the authority note, the main source note, and the full text of the new Part.
 - 2) If the adopted rule is a new Section with no other changes to the Part: the headings, the complete table of contents, the authority note, the main source note, and the full text of the

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Section being adopted. The table of contents must show by underscoring the Section number and heading being added. Subparts and their headings ~~should~~ shall be shown in the text ~~so that the public has a better understanding of how the new Section relates to the Part as a whole~~. The Section must also contain the appropriate source note(s). (See Section 100.330)

- 3) If the adopted rule is an amendment to the Part (changed language in one or more Sections or the addition or deletion of one or more Sections): the headings, the complete table of contents, the authority note, the main source note, and the full text of the Sections being amended showing identifying by strike-outs or underscoring the changes between the original rule on file with the Code Division and the final version. Subparts and their headings ~~should~~ shall be shown in the text ~~so that the public has a better understanding of how the amendment relates to the Part as a whole~~. If Sections are being renumbered, this action must appear both in the table of contents and in the text of the adopted amendments. Sections which are being either renumbered or repealed so that no text remains at the that Section number shall have the word "(Repealed)" or "(Renumbered)", as the case may be, immediately following the Section heading in both the table of contents and the text. The Section(s) must also contain the appropriate Section source note(s). (See Section 100.330)
- 4) If the adopted rule is a repealer of a Part: the full text shall not be published but the file copy must show the headings of the Part with "(Repealed)"; a source note with the repeal citation to the Illinois Register shall replace the main source note if the Part is not being replaced by new text. When the entire Part is being repealed, strike-outs shall not be used. The last line of the required information on the Notice pursuant to Appendix B, Illustration A shall be omitted.

- 5) If the adopted rule is a repealer of a Section with no other changes to the Part: the full text shall not be published in the Register but a new complete table of contents for the Part showing the word "(Repealed)" following the heading of the repealed Section must be filed along with a replacement page for the repealed Section. (See Section 100.500(d)) When an entire Section is being repealed with no other changes to the Part ~~being made~~, strike-outs shall not be used. In this case, the last line of the required information on the Notice pursuant to Appendix B, Illustration A, shall be omitted.

- 6) If Sections of the Part have been renumbered, those changes must be indicated in the text and table of contents of the Part in the ~~Register and in the text~~ Register and in the text of that Part, ~~both in the Part's table of contents and in the text~~. The text of Sections which are being renumbered from another Section in its entirety shall appear in numerical order according to where they are being adopted as amendments. (See Section 100.43)

- 7) If emergency amendments to the Part are in effect at the time new

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amendments are being adopted and the new amendments do not replace the emergency amendments, the table of contents for both filing and Register publication shall indicate the Sections on which emergencies are still in effect. (See Sections 100.620 and 100.630).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.545 Code Division Review of Adopted Rules

The Administrative Code Division staff will review all adopted rules, amendments ~~or~~ and repealers for publication, filing, and codification requirements upon the agency's submission of the material to the Code Division following the end of the second notice period.

- a) The Register version will be checked for compliance with this Part including, but not limited to, the following items:

- 1) Register headings contain the correct wording and spacing;
- 2) All the questions required by Section 100.530(a) and 100. Appendix B, Illustration A appear in the correct order and, for the following questions, all responses are correct:
 - A) Heading of the Part;
 - B) Code Citation;
 - C) Sections Section Numbers and Proposed Adopted Action;
 - D) Effective date. (No rules filed with the Code Division ~~can~~ shall be retroactively effective.)

- 3) The text begins on the proper page and is in the proper order;
- 4) The changes requested by the Code Division during the first notice period have been made;
- 5) The rules (amendments, repealers)
 - A) Are ~~are~~ labeled correctly;
 - B) Sections and subsections are indented properly and margin requirements are met;
 - C) Contain headings which match exactly in the Part's table of contents and the text;
 - D) References to state Acts contain the correct title and that statutory citations appear where necessary;
 - E) Agencies and their rules are correctly listed and/or cited;
 - F) Source and authority notes are correct and updated.

- 6) Changes listed in the agreement letter from JCAR have been made.

7) One original and four (4) copies are submitted and correctly compiled with all pages of the Notice in the right order, and with the pages containing the required questions and agency responses preceding the pages of text.

- b) The file version will be checked for compliance with this Part including, but not limited to, the following items:

- 1) The correct Code headings appear at the top of each page;
- 2) Each Section begins on a new page;
- 3) The changes requested by the Code Division during the first notice period have been made;

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- 4) The rules (amendments, repealers)
- A) Are ~~are~~ labeled correctly;
- B) Sections and subsections are indented properly and margin requirements are met;
- C) Contain headings which match exactly in the Part's table of contents and the text;
- D) References to State Acts contain the correct title and that statutory citations appear where necessary;
- E) Agencies and their rules are correctly listed and/or cited;
- F) Source and authority notes are correct and updated.
- 5) One original and two (2) copies are submitted and correctly compiled with the original of the agency certification attached to the original of the text, and the copies of the agency certification are attached to each copy of the text;
- 6) The original and two copies are all three-hole punched, not stapled and printed on one side of the page;
- 7) The original is camera-ready (see definition of "camera-ready," Section 100.110);
- 8) Separate camera-ready originals of any tables, exhibits, illustrations, etc. which cannot be entered into the computer data base are submitted. These originals shall not be three-hole punched.
- c) The entire rulemaking package will be checked to ensure that the following items are included:
- 1) The JCER Certification of No Objection is attached or, if JCER has issued an objection, the agency's response to the objection ~~is included and~~ is in proper format pursuant to this Part;
- 2) ~~The JCER approval form for any incorporations by reference is attached, if applicable;~~
- 3) 2) A copy of the JCER agreement letter issued on the rulemaking resulting from the meeting between JCER and the agency (see definition of "agreement," Section 100.110);
- 4) 3) The cover letter describing the material being submitted.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.550 Certificate of Review and Approval

- a) Following the expiration of the second notice period, the agency shall resubmit submit a copy of both the Register and file copies of the final version of the rule for review by the Administrative Code Division at least five (5) working days prior to the date the agency either wishes to adopt the rule, amendment amend or repeater repeal the rule or submit it for Register publication in order to allow the Code Division staff adequate time to review the material to be adopted for codification--system compliance--and--for filing and publication requirements pursuant to Section 100.545 and time for the agency to make--any necessary corrections. The Code Division will issue its sign

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the Certificate of Review and Approval (100.Appendix EB, Illustration C) ~~after this second review~~ when the material to be adopted meets the publication, filing and Register publication requirements ~~as outlined in this Part.~~

- b) The agency shall, prior to submitting adopted rules for final review, check the text of the rules or amendments to ensure the inclusion of ~~that~~ all agreements for changes ~~the agency made with JCER (see definition of "Agreements," Section 100.110) have been made and that~~ the Administrative Code computer data base version is correct, and that all Administrative Code requirements have been met. If the agency determines that all ~~changes agreed upon pursuant to the JCER agreement letter--have been made~~ material is correct, it shall so specify on the Notice of Adopted Rules (Amendments Repealer).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART F: EMERGENCY RULES

Section 100.600 Filing: Agency Certification

Emergency rules shall be filed with the Administrative Code Division as provided in this Subpart, Sections 100.220, 100.500, 100.510, and 100.540 of this Part and Section 5-02 5-45 of the IAPA. ~~When an agency files an emergency rule, a situation must exist which the agency finds reasonably constitutes a threat to the public interest, safety or welfare.~~ Accompanying the emergency rules must be:

- a) a certification of the emergency rules as shown in 100.Appendix C, Illustration C. This certification must specify the reason for the emergency, and
- b) A cover letter specifying the material being submitted and the reason for submission (filing, Register publication, review, etc.).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.610 Notice of Emergency Rules

- a) Each emergency rule submitted for publication in the Illinois Register shall ~~be--a part of~~ include a Notice of Emergency Rules (Amendments, Repealers) (see 100.Appendix C, Illustration A) at the beginning of which the information listed in subsections (1) through (12) below shall appear. On the next page ~~following the items listed in subsections--(1) through--(12)--below,~~ the full text of the rules, amendments, or repealer and, if the rulemaking amends or repeals an existing Part, the text shall appear as it is on file ~~and in effect~~ in the Code Division with all changes indicated by strike-outs and/or underscoring.

- 1) The heading of the Part;

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- 2) The Code citation (include only the Title number, the Code abbreviation, and the Part number);
- 3) Section numbers (list in numerical order) (include supplementary material)
- 4) The specific statutory citation upon which the rule is based and authorized;
- 5) The effective date of the rule (immediately or less than 10 days after filing);
- 6) If this emergency rule is to expire before the end of the 150-day period (other than by means of adopting the rule through the regular general rulemaking process), please specify the date;
- 7) Date filed in agency's principal office;
- 8) The reason for the emergency;
- 9) A complete description of the subjects and issues involved;
- 10) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as the emergency rules. If so, please specify Section numbers, the proposed action and the Register citation to the Notice of Proposed Rulemaking (means any proposed amendments other than those appearing in the same issue as the emergency rules);
- 11) A Statement of Statewide Policy Objectives, if applicable (Ill. Rev. Stat. 1985, ch. 110, par. 1-105; par. 1-2205) (See also Section Sections 100.110 and 100.415(b));
- 12) The name, address and telephone number of the person to whom information and questions regarding this adopted rule shall be directed.

Under the Section Numbers and Emergency Action columns at the beginning of the Notice of Emergency Rules (see subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This enables the Code Division staff to accurately compile the Sections Affected Index for each week's Register. All Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed in these columns. The Code Division has examples of the correct format for this available upon request. If an agency omits from this listing one or more Sections or any supplementary material the text for which is included, or lists one or more Sections or any supplementary material the text for which is not included, or the action being taken is listed incorrectly, the material will be returned to the agency for corrections prior to its being published in the Register and prior to its being filed and published. If the publication requirements will not have been met, the action to one Part shall appear on one Notice, unless the action is being repealed in its entirety and replaced by a new Part (subject matter) by emergency action. In this instance only, two

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Notices, one for the repealer and one for the new Part, will be accepted for publication in one issue of the Register.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.620 Text of Emergency Rules

The text of emergency rules shall begin on the next page following the last line of information required on the Notice by 100. Appendix C, Illustration A, shall contain the Register headings, the agency name and the action heading NOTICE OF EMERGENCY RULES (AMENDMENTS, REPEALER), and shall include the following information for publication in the Illinois Register:

- a) If the emergency rule is a new Part: the full text of the Part including headings, the complete table of contents with the word "EMERGENCY" appearing immediately under each Section number, the authority note, and the main source note. Immediately under each Section number in the text shall appear the word "EMERGENCY".
- b) If the emergency rule is a new Section(s) of a Part with no other changes to the Part: the full text of the Section(s) including headings, the complete table of contents with the word "EMERGENCY" appearing immediately under the number of the affected Sections, the authority note, and the main source note for the Part. Subparts and their headings shall ~~should~~ appear in the text ~~so that the public has a better understanding of how the new Section relates to the Part as a whole~~. Each Section must have an appropriate Section source note. (See Section 100.330) Immediately under each Section number in the text shall appear the word "EMERGENCY".
- c) If the emergency rule is an amendment to the Part (changed language in one or more Sections and/or the addition or deletion of one or more Sections: the full text of the Section(s) including the headings, the complete table of contents with the word "EMERGENCY" appearing immediately under the Section numbers for the affected Sections and emergency changes to headings and numbers indicated by strike-outs and underscoring, the authority note and the main source note for the Part. Subparts and their headings shall ~~should~~ appear in the text ~~so that the public has a better understanding of how the amendment relates to the Part as a whole~~. Language being deleted shall be indicated by strike-outs and language being added indicated by underscoring. If Sections are being renumbered, this action must appear both in the table of contents and in the text of the emergency amendments. Each affected Section must have an appropriate Section source note. (See Section 100.330) Immediately under each Section number in the text shall appear the word "EMERGENCY".
- d) If the emergency rule is a repealer for a Part: the full text of the Part including the headings, the complete table of contents, the authority note, and the main source note.
- e) If the emergency rule is a repealer of a Section ~~of a Part~~ with no other changes to the Part: the full text of the Section including the

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headings, the complete table of contents with the word "EMERGENCY" appearing immediately under the Section number for each affected Section and the word "(Repealed)" immediately following the Section heading, the authority note, and the main source note for the Part. Subparts and their headings shall appear in the text so that the public has a better understanding of how the repeated Section relates to the Part as a whole. Immediately under the Section number in the text shall appear the word EMERGENCY "Emergency" with the word "(Repealed)" immediately following the Section heading.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.640 Effectiveness

a) Pursuant to Section 5-02 5-45 of the IAPA, an emergency rule may be in effect for not longer than 150 days. No emergency rule may be adopted more than once in any 24-month period except as noted in Section 5-02 5-45 of the Act.

1) If the agency involved does not adopt, amend, or repeal, as the case may be, the rule through the regular general rulemaking process during the 150-day period, the rule shall automatically expire at the end of the period.

2) If the agency adopts the rule through the regular general rulemaking process prior to the expiration of the 150-day period, the regularly permanently adopted rule will automatically replace the emergency rule in the official files of current rules in the Administrative Code Division.

3) If the emergency is due to expire before the expiration of the 150-day period (other than by means of adopting the rule through the regular general rulemaking process), the date on which the emergency rule is to expire shall be shown on the Notice of Emergency Rules (Amendments, Repealer).

b) In the event an emergency rule expires without the rule being adopted through the regular general rulemaking process, the Administrative Code Division will replace the expired emergency Sections with the original text of the affected Sections in effect prior to the emergency. (Pursuant to the See Section 5-45 of the IAPA), emergency rules, amendments or repealer are temporary rules and therefore when they expire without being adopted through the regular rulemaking process, the text reverts to the language on file and in effect prior to the emergency, go rescind the emergency rule amendment or repealer without reverting to the language on file and in effect prior to the emergency would involve rulemaking changes not allowable pursuant to the IAPA. In addition, the Administrative Code Division will request that the agency involved shall submit file a new table of contents page(s) for filing with the Code Division. The new table of contents shall not contain the word "EMERGENCY" under the Section numbers unless another emergency rule is still in effect on

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that Part. It shall include an updated main source note entry indicating the emergency expiration date immediately following the emergency affected, which the table of contents accompanying the rule prior to the emergency does not contain.

c) If the expiration involves a new Section, a new table of contents will be required with "(emergency expired)" noted next to the Section heading(s) involved; an entry following the emergency action noting the emergency expiration date in the main source note; and a replacement page for the Section showing the Section heading(s) followed by "(emergency expired)" and the Section source note reflecting the emergency action followed by the emergency expiration date.

d) If the expiration involves a new Part, a replacement page will be required for filing with the proper headings and a source note indicating the emergency action involved and the emergency expiration date.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.650 Adoption as a Permanent Rule

An agency may adopt an emergency rule pursuant to Section 5-02 5-45 of the Act while simultaneously proposing the rule for permanent adoption. This proposed rule is subject to the general rulemaking procedures as outlined in this Part. If the emergency and the proposed rule are identical and appear in the same issue of the Register, the text of the rule need only be printed once. If the proposed rule and the emergency rule are not identical, the text of both rules must be published in the Register. If the emergency rule and the proposed rule appear in different issues of the Register, whether or not the rules are identical, the full text of each rule must be printed in the Register.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.660 Certificate of Review and Approval

Emergency rules should be submitted to the Code Division for review five (5) working days prior to the date on which the agency wishes the emergency rule to take effect. This will give the Code Division staff adequate time to review the rule and the agency adequate time to make any necessary changes in order to ensure that the rule meets the codification, filing, and publication requirements set forth in this Part. Because of time limitations, it may be necessary for an agency to submit an emergency rule for filing and publication which has not been reviewed for codification system compliance by the Administrative Code Division in such cases, the emergency rule may be filed and published without the Certificate of Review and Approval provided it meets the filing and publication requirements of this Part. If the filing and/or publication requirements as outlined in this Part have not been met, the

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material cannot take effect until the appropriate corrections required changes have been made and the material has been re-submitted to the Code Division. The Administrative Code Division will review the rule following its filing and should changes in the codification of the rule be necessary, will request the corrected pages from the agency and as soon as the corrected pages have been received and approved, will publish a Notice of Codification Changes (See Section 100.154) in the next available issue of the Register. These codification changes shall affect neither the validity of the rule nor its effective date. When the Part rule meets the codification rulemaking requirements outlined in this Part, the Code Division will issue sign its Certificate of Review and Approval. Please refer to Sections 100.450 and 100.500 for further information about the Certificate of Review and Approval (See Appendix E7-illustration-6).

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART G: PEREMPTORY RULES

Section 100.700 Submission; Agency Certification

If an agency is required by federal law, federal rules or a court order to adopt a rule, an amendment to a rule or a repealer under conditions which preclude it from complying with the regular general rulemaking procedures as outlined in this Part and Section 5-03 5-50 of the IRPA, the agency shall submit file copies of the rule according to Sections 100.500, 100.510(a) and (c) and 100.540 and publication copies of the rule according to Section 100.220 within thirty (30) days after a change in the rules is required. A certification of the peremptory rules in the form as shown in 100.Appendix D, Illustration C shall accompany the rule. A cover letter specifying the peremptory rule materials being submitted and the reason for submission (fitting Register publication, review, etc.) must also accompany the rules.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.710 Notice of Peremptory Rules

- a) Each peremptory rule submitted for Register publication shall be part of include a Notice of Peremptory Rules (Amendments, Repealers) (see 100.Appendix D, Illustration A) at the beginning of which shall appear the information listed in subsections (1) through (13) below. On the next page following the last line of information as shown in Appendix B-illustration-A shall appear the full text of the rules and, if the peremptory rulemaking is an amendment to or repeal of an existing Part, the text as it is on file and in effect in the Code Division with all changes shown by strike-outs and/or underscoring.

- 1) The heading Heading of the Part;

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- 2) The Code citation Citation (include only the Title number, the Code abbreviation, and the Part number);
- 3) Section numbers Peremptory Action (list in numerical order) (new Sections, amendments, repeals, renumbering, etc.) (include supplementary material)
- 4) Reference to the appropriate state or federal court order, federal law, or federal rule and the agency's reason for peremptory rulemaking;
- 5) Statutory authority;
- 6) Effective date;
- 7) A complete description of the subjects and issues involved;
- 8) Whether the rule contains an automatic repeal date;
- 9) Date filed in agency's principal office;
- 10) A statement that the rule is filed in compliance with Section 5-03 5-50 of the Act;
- 11) Whether there are any proposed amendments pending on this Part other than those appearing in the same issue of the Register as this peremptory rulemaking. If so, please specify Section numbers, the proposed action, and the Register citation to the Notice of Proposed Rules (means any proposed amendments other than those appearing in the same issue of the Register as this peremptory rulemaking);

- 12) A Statement of Statewide Policy Objectives (if applicable) (fit Rev-Stat-3985; ch--05; par--3205) (See also Section Sections 100.110 and 100.415(b)); and
- 13) The name, address and telephone number of the person to whom information and questions concerning this peremptory rule shall be directed.

- b) Under the Section Numbers and Peremptory Action columns at the beginning of the Notice of Peremptory Rules (Amendments, Repealer) (See subsection (a)(3) of this Section) shall be listed the specific Section number(s) and the specific action being taken. If several actions are occurring, each Section affected must be listed on a separate line with the appropriate action listed on the same line under the correct column. This creates the Code Division's accurate complete the Sections Affected index for each week's Register. All Appendices, Exhibits, Illustrations and Tables on which rulemaking activity is occurring must also be listed under these columns. The Code Division has examples at the correct format for this available upon request. If an agency omits from this listing any Sections or supplementary material the text for which is included in the Notice, or lists any Sections or supplementary material the text for which is not included, or the action being taken is listed incorrectly, the materials will be returned to the agency for corrections prior to the Code Division's accepting the material for publication and filing.

- All peremptory rulemaking action for one Part shall appear on one Notice. The Administrative Code Division will not accept for Register

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publication more than one Notice per Part per issue of the Register for ~~peremptory~~ ~~rulemaking~~, unless the agency is repealing a Part in its entirety and adopting a new Part (same subject matter) to replace the repealed Part. In this instance only, the Code Division will accept two Notices, one for the repealed Part and one for the new Part, for publication in the same issue of the Register.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.740 Certificate of Review and Approval

Agencies should submit peremptory rules to the Code Division for review at least five (5) working days before the agency wishes the rules are to become effective. This will allow the Code Division staff adequate time to review the rules and the agency adequate time to make any necessary corrections in order to ensure that the rule complies with the codification, filing, and publishing requirements as outlined in this Part. Because of time limitations, a peremptory rule may be submitted without this five (5) day review period and will be filed and published without the Certificate of Review and Approval provided it complies with the filing and publication requirements outlined in this Part. If the material being submitted does not meet the filing and/or publication requirements as outlined in this Part, the material will be returned to the agency for corrections the required changes prior to being accepted for filing and publication. The Code Division will review the rule following its filing and, if changes in the codification of the rule are necessary, will request corrected pages from the agency and will publish as soon as the corrected pages have been received and approved. A Notice of Codification Changes in the next available issue of the Illinois Register. Such changes will not affect the validity of the rule or its effective date. When the Part meets the codification requirements outlined in this Part, the Code Division will issue its sign the Certificate of Review and Approval. See Section 100.550 For further information concerning the Notice of Codification Changes, please refer to Section 100.150. For further information concerning the Certificate of Review and Approval, please refer to Sections 100.450 and 100.550.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART H: INTERNAL RULES

Section 100.800 Requirements

- a) Each agency shall adopt rules on the following pursuant to Section 4-01 5-15 of the Act:
 - 1) a description of the current organization of the agency including charts of such organization;
 - 2) procedures on public access to subjects, programs, and activities

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- of the agency;
- 3) the rulemaking procedures of the agency including any flow charts depicting such;
 - 4) a location for public inspection of incorporated reference materials;
 - 5 the qualifications of Administrative Law Judges.
- b) Agency organization charts shall neither specify names of individuals nor contain pictures of individuals. Rather, they shall specify only the bureaus, departments, divisions, sections, or units applicable to the agency.

- c) Rules filed pursuant to Section 4-015-15 of the Act shall appear in Title 2 of the Code and must meet the codification, publication and filing requirements outlined in this Part.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.810 Effectiveness; Exemption from Notice

Rules filed pursuant to this Subpart become effective upon their being filed with the Administrative Code Division, and they shall be adopted, amended, or repealed without the Notice of Proposed Rules (Amendments, Repealer). Agencies shall submit a copy of both the Register version and the file version for review five (5) working days prior to the date the agency wishes the rules are to become effective. This will allow the Code Division staff adequate time to review the rules and the agency adequate time to make any necessary corrections. The file copy of such rules shall be as specified in Section 100.500. A Notice of Adopted Rules (Amendments, Repealer) and the text of the rules shall be submitted by the agency for publication in the Illinois Register as outlined in Sections 100.530 and 100.540. The agency shall also submit an agency certification of the rules as illustrated in 100. Appendix B, Illustration C and those documents specified in Section 100.510(a) and (c) and (d). All internal rules as specified in Section 100.000 shall appear in Title 2 of the Code.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.820 Certificate of Review and Approval

Each internal rule submitted to the Administrative Code Division for filing and for Register publication shall be issued the signed Administrative Code Division's Certificate of Review and Approval (100. Appendix B, Illustration C). After the rules have been reviewed and approved by the Code Division staff, issuance of this certificate ensures that the rule meets the indicating that the codification, filing, and publication requirements outlined in this Part have been met. (See Sections 100.450 and 100.550)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

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SUBPART I: PROHIBITED FILING

Section 100.900 Certified Statements from Joint Committee on Administrative Rules

If JCAR prohibits the filing of a proposed rule or suspends the--effectiveness of an emergency or peremptory rule, pursuant to Sections 7-06a 5-115 and 7-07a 5-125 of the Act (111-Rev-Stat-1997-ch-127-pars-1007-06a-and-1007-07a), it shall submit a certified statement prohibiting the rulemaking to the Administrative Code Division. The certified Statement statement shall be in accordance with Illinois Register publication requirements as outlined in Section 100.220 of this Part.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.910 Prohibition of the Filing of Rules

- a) Proposed rules shall not be filed by the Secretary of State for at least 180 days after receipt of the certified statement from JCAR prohibiting the filing. The effectiveness of emergency or peremptory rules shall be suspended for at least 180 days following the receipt by the Secretary of State of the certified statement from JCAR. During this 180-day period, the agency may not file, and the Secretary of State shall not accept, any rule having substantially the same purpose and effect as the suspended rules. (Sections 7-06a(b) 5-115 and 7-07a(b) 5-125 of the Act)
- b) The Secretary of State will indicate prominently on the face of the affected rule such suspension for emergency and peremptory rules. (Section 7-07a(b) 5-115 of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.920 Continuation of Prohibition

Passage of a joint resolution by the General Assembly to continue the prohibition (within the 180-day period) shall have the effect of permanently prohibiting the agency from filing the proposed rule(s). In the event of emergency or peremptory rule(s), the rule(s) shall be immediately repealed. The Secretary of State shall remove prohibited rule(s) from its collection of current rules. (Sections 7-06a(c) 5-115 and 7-07a(c) 5-125 of the Act)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART J: PUBLIC INSPECTION AND COPYING

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

Section 100.1000 Certified Rules; Inspection

As specified by Section 6 5-65 of the IAPA, each agency is required to file both in the Office of the Secretary of State and the agency's principal office a certified copy of all rules adopted by the agency including any amendments to or repeal of such rules or portions thereof. Both the Administrative Code Division and the agency shall keep a permanent register of the rules which shall be open to public inspection.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.1010 Photocopies and Fees

The Administrative Code Division shall provide a copy of any rule, including a certification thereof when requested, to the public upon request, either in person or in writing, such copies being subject to fees according to Ill. Rev. Stat. 1989 1991, ch. 53, par. 24. (5 ILCS 290/10)

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.1020 Illinois Administrative Code

The Illinois Administrative Code provides public access to all the rules of the state's agencies as these rules are on file with the Office of Secretary of State and in effect--on the date specified on the cover of each edition. The Administrative Code Division will publish an annual Code. The Illinois Register serves as the weekly update to the Illinois Administrative Code.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.1030 State Property

Section 7th 5-80 of the Act specifies that the codification system, indexes, tables, and other aids relevant to the publication of the Illinois Administrative Code shall be the property of the State. No person may attempt to copyright or publish for sale such materials except the Secretary of State as provided in this Section.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SUBPART K: MISCELLANEOUS

Section 100.1100 Recodification of Rules

When an agency or the Administrative Code Division determines that, for public

NOTICE OF PROPOSED AMENDMENT(S)

information and understanding or for better coordination of its rules, recodification is necessary, it shall follow the procedures as outlined in Section 100.1110. Parts or Sections thereof shall be recodified when:

- a) an entire Part is being renumbered;
- b) more than two Sections of a Part are being renumbered;
- c) one or more Sections are being split into two or more Sections;
- d) two or more Sections are being combined into one Section;
- e) one or more Sections of a Part are being renumbered so that the numerical list of the Sections and/or alphabetical list of the Subparts in which they appear falls out of order;
- f) Subparts are being changed;
- g) Chapter numbers and/or headings are being changed;
- h) Subchapter labels or headings are being changed;
- i) Title numbers or headings are being changed;
- j) Subtitle labels or headings are being changed.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.1110 Notice of Recodification

- a) An agency may recodify its existing rules with no substantive changes with such recodification being exempt from the notice requirements of Section 5-015-40 of the IAPA and from the publication of the full text of the rules. However, the agency shall be required to submit a Notice of Recodification (See 100-Appendix E, Illustration A) for publication in the Illinois Register. Such Notice shall contain the following information:

- 1) The heading of the Part;
- 2) The Code citation;
- 3) The date of Administrative Code Division review;
- 4) The current headings and numbers of the rules being recodified;
- 5) The outline of headings of Sections of the rules as recodified;
- 6) A conversion table of present and recodified rules.
- b) When an agency recodifies a Part, it must submit a copy of the Notice of Recodification and a copy of the text of the Part as recodified to the Code Division for review at least 30 days prior to the date the agency wishes to adopt the recodified Part. This will allow the Code Division staff adequate time to review the rules for recodification system compliance and adequate time for the agency to make any necessary corrections to the Part or to the Notice of Recodification.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.1150 Regulatory Agendas

Pursuant to Section 5a 5-30 of the IAPA (111-Rev. Stat., 1989, ch. 127, par. 1005a), an agency may submit for publication in the Illinois Register a

NOTICE OF PROPOSED AMENDMENT(S)

regulatory agenda to elicit public comments concerning any rule which the agency is considering proposing but for which no notice of proposed rulemaking activity has been submitted to the Illinois Register. The format for a regulatory agenda appears in 100-Appendix E, Illustration F. All regulatory agendas submitted to the Administrative Code Division shall meet the requirements for Register publication as outlined in this Part.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.1160 Regulatory Flexibility Notice

Pursuant to Section 5-30 of the Act, the Department of Commerce and Community Affairs shall submit a Regulatory Flexibility Notice (100-Appendix E, Illustration G) for proposed rules which affect small businesses before the expiration of the notice period required under subsection (b) of Section 5.40 of the Act to be published in the next available Register.

(Source: Added at 17 Ill. Reg. _____, effective _____)

SUBPART L: ILLINOIS ADMINISTRATIVE CODE

Section 100.1200 Availability

- a) Each state agency having rules on file in the Office of the Secretary of State, Administrative Code Division, the constitutional officers, and members of the Illinois General Assembly shall receive, upon request, one complete complimentary set of the Illinois Administrative Code free-of-charge. Requests for such free-sets must be received in writing by the Administrative Code Division. The Illinois State Library will receive forty (40) sets for the depository library program. Any additional sets desired by an agency must be purchased.
- b) All other persons, businesses, and organizations wishing to purchase sets of the Illinois Administrative Code may purchase them at the fee specified in Section 100.1210.
- c) All orders will be filled on a first-come, first-served basis.
- d) All requests for purchase must follow the procedures specified in Section 100.1210.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.1210 Fees

- a) The Illinois Administrative Code is available at a fee of \$290.00 per set from the Administrative Code Division which covers publication and mailing costs, as specified in Section 7(f) 5-80(f) of the IAPA.
- b) All requests for complete sets of the Illinois Administrative Code can

NOTICE OF PROPOSED AMENDMENT(S)

may be charged to Master Card or Visa or must be requested in writing and accompanied by a check or money order made payable to SECRETARY OF STATE. Cash will not be accepted.

- c) Requests for complete sets of the Illinois Administrative Code will be honored on a first-come, first served basis until supplies are depleted.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENT(S)

Section 100.APPENDIX A Proposed Rules

Section 100.ILLUSTRATION A Notice of Proposed Rules

For detailed information on this Notice, please refer to Section 100.410.

NOTICE OF PROPOSED RULES

- 1) Heading of the Part:
- 2) Code Citation: _____ Ill. Adm. Code _____
- 3) Section Numbers: _____ Proposed Action:
- 4) Statutory Authority:
- 5) A Complete Description of the Subjects and Issues Involved;
- 6) Will this proposed rule replace an emergency rule currently in effect?
- 7) Does this rulemaking contain an automatic repeal date? Yes _____ No _____
If "yes," please specify the date: _____
- 8) Does this proposed rule (amendment, repealer) contain incorporations by reference?
- 9) Are there any other proposed amendments pending on this Part?
- 10) Statement of Statewide Policy Objectives:
Section Numbers Proposed Action Illinois Register Citation
- 11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking:
- 12) Initial Regulatory Flexibility Analysis:
A) ~~Date--rule was submitted to the Business Assistance Office of the Department of Commerce and Community Affairs;~~
B) Types of small businesses, small municipalities and not for profit corporations affected:
C) Reporting, bookkeeping or other procedures required for compliance:
- BC) Types of professional skills necessary for compliance:

The full text of the Proposed Rule(s) begins on the next page:

AGENCY NOTE: The solid line shall be exactly one inch from the top of the page. Also, if the proposal is a new Part, use the action heading as shown in this illustration: if the proposal is an amendment to a Part (new Sections being added, existing Sections being amended or repealed), the action heading shall state NOTICE OF PROPOSED AMENDMENT(S); If the proposal is a repealer of an entire Part, the action heading shall state NOTICE OF PROPOSED REPEALER.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.APPENDIX B Adopted Rules

Section 100.ILLUSTRATION G Request for Expedited Correction

REQUEST FOR EXPEDITED CORRECTION

- 1) Heading of the Part: _____
- 2) Code Citation: _____ Ill. Adm. Code _____
- 3) Section numbers: _____
- 4) Date Proposal published in Illinois Register: _____
(issue date) _____ Ill. Reg. _____
- 5) Date Adoption published in Illinois Register: _____
(issue date) _____ Ill. Reg. _____
- 6) Summary and Purpose of Expedited Correction: _____
- 7) Information and questions regarding this request shall be directed to: _____
Name: _____
Address: _____
Telephone: _____

(Source: Added at 17 Ill. Reg. _____, effective _____)

Section 100.ILLUSTRATION H Refusal to Certify Expedited Correction

REFUSAL TO CERTIFY EXPEDITED CORRECTION

- 1) Heading of the Part: _____
- 2) Code Citation: _____ Ill. Adm. Code _____
- 3) Section numbers: _____
- 4) Date Proposal published in Illinois Register: _____
(issue date) _____ Ill. Reg. _____
- 5) Date Adoption published in Illinois Register: _____
(issue date) _____ Ill. Reg. _____
- 6) Date Request for Expedited Correction to Adopted Rules published in Illinois Register: _____
(issue date) _____ Ill. Reg. _____

7) Reason for Refusal: _____
(Source: Added at 17 Ill. Reg. _____, effective _____)

NOTICE OF PROPOSED AMENDMENT(S)

Section 100. ILLUSTRATION I Notice of Expedited Correction

ILLINOIS REGISTER

AGENCY NAME

NOTICE OF EXPEDITED CORRECTION

- 1) Heading of the Part: _____
- 2) Code Citation: _____ Ill. Adm. Code
- 3) Section numbers: _____
- 4) Date Proposal published in Illinois Register: _____
(issue date) _____ Ill. Reg.
- 5) Date Adoption published in Illinois Register: _____
(issue date) _____ Ill. Reg.
- 6) Date Request for Expedited Correction published in Illinois Register: _____
(issue date) _____ Ill. Reg.
- 7) Adoption Effective Date: _____
- 8) Correction Effective Date: _____
- 9) Reason for Approval of Expedited Correction: _____

The full text of the Corrected Rules begins on the following page.

(Source: Added at 17 Ill. Reg. _____, effective _____)

Agency Director Date

NOTICE OF PROPOSED AMENDMENT(S)

Section 100. APPENDIX D Peremptory Rules

Section 100. ILLUSTRATION A Notice of Peremptory Rules

For detailed information on this Notice, please refer to Section 100.710.

ILLINOIS REGISTER

(AGENCY NAME)

NOTICE OF PEREMPTORY RULES

- 1) The Heading of the Part: _____
- 2) The Code Citation: _____ Ill. Adm. Code
- 3) Section Numbers: _____ Peremptory Action:
- 4) Reference to the Specific State or Federal Court Order, Federal Rule or Statute Which Requires this Peremptory Rulemaking: _____
- 5) Statutory Authority: _____
- 6) Effective Date: _____
- 7) A Complete Description of the Subjects and Issues Involved: _____
- 8) Does this rulemaking contain an automatic repeal date? ☐ Yes ☐ No
- 9) If "yes," please specify date: _____
- 10) Date Filed in Agency's Principal Office: _____
- 11) This rule is in compliance with Section 5-03 5-50 of the Illinois Administrative Procedure Act.
- 12) Are there any proposed amendments pending to this Part? _____
- 13) Section Numbers Proposed Action Illinois Register Citation
- 14) Statement of Statewide Policy Objectives: _____
- 15) Information and questions regarding this adopted rule (amendment, repealer) shall be directed to: _____

Name: _____

Address: _____

Telephone: _____

The full text of the Peremptory rules (amendments, repealer) begins on the next page:

AGENCY NOTE: For the correct action heading, please refer to the note in Appendix A, Illustration A, substituting the word "PEREMPTORY" for the word "PROPOSED."

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.APPENDIX E Miscellaneous

Section 100.ILLUSTRATION C Certificate of Review and Approval

Certificate of Review and Approval

HEADING AND CODE CITATION

The Administrative Code Division certifies that the attached rule of the

(Name of Agency, Board, Commission or Department)

has been reviewed and approved this _____ day of _____, 19____.

Statutory Authority: _____
Illinois Revised Compiled Statutes _____ ILCS _____
Chapter: _____ Paragraph _____

Signature of Officer _____

Title of Officer _____

AGENCY NOTE: The issuance of this Certificate indicates that the rule meets the requirements of codification, filing, and publication only.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

Section 100.ILLUSTRATION D Notice of Codification Changes

NOTICE OF CODIFICATION CHANGES

- 1) Heading of the Part: _____
- 2) Code Citation: _____ Ill. Adm. Code _____
- 3) Effective Date of Rules (Amendments, Repealer): _____
- 4) Date Adopted (Emergency, Peremptory) Rule Appeared in the Illinois Register: _____
- 5) Pursuant to Section 7(b) 5-80 of the Illinois Administrative Procedure Act (~~Ill-Rev-Stat--1985--ch--127--par--1007(b)~~), the Administrative Code Division has made the following changes in the codification of the above named rule:

The above changes have been made to the rule which is on file in the Administrative Code Division of the Index Department ~~of--the--Illinois--State~~ ~~Library~~, Office of the Secretary of State. These changes do not affect the validity of the rule nor the date on which it became effective.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

Section 100. ILLUSTRATION F Regulatory Agenda

The following format is to be used for submitting a regulatory agenda for publication in the Illinois Register:

ILLINOIS REGISTER

AGENCY NAME

REGULATORY AGENDA

- 1) **Part** Heading of the Part:
- 2) Code Citation: Ill. Adm. Code
- 3) A description of the rule(s):
- 4) **Statutory Authority:**
- 5) Schedule of dates for hearings, meetings, or other opportunities for public participation:
- 6) Date agency anticipates submitting to the Administrative Code Division a Notice of Proposed Rules (Amendments, Repealer) for publication in the Illinois Register:
- 7) Information concerning this regulatory agenda shall be directed to:
Name:
Address:
Telephone:
- 8) Will this rule (amendment, repealer) affect small business, small municipalities or not for profit corporations?
- 9) Other pertinent information concerning this rule (amendment, repealer):

NOTE: Only one Part shall be listed per regulatory agenda. Only one regulatory agenda per Part will be accepted for publication in a single issue of the Illinois Register. Also, the information shown above in this illustration shall be underscored to separate it from the agency's responses, with the exception of the agency name and the words "REGULATORY AGENDA" appearing under the solid line.

(Source: Amended at 17 Ill. Reg. _____, effective _____)

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT(S)

Section 100. ILLUSTRATION G Regulatory Flexibility Notice

ILLINOIS REGISTER

DEPARTMENT OF COMMERCE AND COMMUNITY AFFAIRS

NOTICE OF REGULATORY FLEXIBILITY IMPACT ANALYSIS

RULES PROMULGATED BY STATE AGENCIES THAT MAY IMPACT SMALL BUSINESS

Name of Agency:
Heading of the Part:
Code Citation:
Sections Involved:
Notice of Proposal Published in Illinois Register:
_____ Ill. Reg.

Statutory Authority:

Information concerning this Regulatory Flexibility Impact Analysis shall be directed to:

Name:
Address:
Telephone:

Other pertinent information regarding these rules:

(Source: Added at 17 Ill. Reg. _____, effective _____)

persons with disabilities may resolve allegations of denial of public service on the basis of disability.

16) Information and Questions Regarding this Adopted Rulemaking shall be directed to:

Kathryn A. Kelley
Counsel
100 West Randolph Street
Suite 8-272
Chicago, Illinois 60601
312/814-6559

The full text of the Adopted Rule begins on the next page:

- 1) Heading of the Part: Americans With Disabilities Act
Grievance Procedure
- 2) Code Citation: 4 Ill. Adm. Code 225
- 3) Section Numbers:
Adopted Action:
225.10 New Section
225.20 New Section
225.30 New Section
225.40 New Section
225.50 New Section
225.60 New Section
225.70 New Section
- 4) Statutory Authority: Implementing Title 11, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C., 12131-12134) as specified in the Title 11 regulations (28 CFR 35.107) and authorized by Section 16 of the Workers' Compensation Act (Ill. Rev. Stat. 1991, Ch. 48, par. 138.16)
- 5) Effective Date of Rule: February 22, 1993
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain any Incorporations by Reference? No
- 8) Date Filed in Agency's Principal Office: February 22, 1993
- 9) Date Notice of Proposed Rule was Published in the Illinois Register: 16 Ill. Reg. 7749 - May 22, 1992
- 10) Has the Joint Committee on Administrative Rules Issued A Statement of Objection to this Rulemaking? No
- 11) Difference Between Proposal and Final Version:
Made various technical and editing changes.
Added the following sentence to Section 225.20(b):
The Designated Coordinator may be contacted at 100 West Randolph Street, Suite 8-200, Chicago, Illinois 60601
- 12) Have all Changes agreed upon by the Agency and the Joint Committee been made as indicated in the Agreement letter issued by the Joint Committee? No changes were required.
- 13) Will the Adopted Rule replace an emergency rule currently in effect? No
- 14) Are there any other Amendments Pending on this Part? No
- 15) Summary and Purpose of Amendments:
As required by the Americans With Disabilities Act of 1990, the adopted rules establish a procedure whereby qualified

INDUSTRIAL COMMISSION

NOTICE OF ADOPTED RULES

TITLE 4: DISCRIMINATION PROCEDURES
CHAPTER VI: INDUSTRIAL COMMISSION

PART 225

AMERICANS WITH DISABILITIES ACT GRIEVANCE PROCEDURE

Section

225.10 Purposes

225.20 Definitions

225.30 Procedure

225.40 Designated Coordinator Level

225.50 Final Level

225.60 Accessibility

225.70 Case-by-Case Resolution

AUTHORITY: Implementing Title II, Subtitle A of the Americans With Disabilities Act of 1990 (42 U.S.C. 12131-12134), as specified in Title II regulations (28 CFR 35.107) and authorized by Section 16 of the Workers' Compensation Act (Ill. Rev. Stat. 1991, ch. 48, par. 138.16).

SOURCE: Adopted at 17 Ill. Reg. 2945, effective February 22, 1993.

Section 225.10 Purposes

- a) This grievance procedure is established pursuant to the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12101 et seq. (ADA) and specifically Section 35.107 of the Title II regulations, 28 CFR part 35, requiring that a grievance procedure be established to resolve grievances asserted by qualified individuals with disabilities. Should any individual desire to review the ADA or its regulations to understand the rights, privileges and remedies afforded by it, please contact the Designated Coordinator.
- b) In general, the ADA requires that each program, service and activity offered by the Industrial Commission (Commission), when viewed in its entirety, be readily accessible to and usable by qualified individuals with disabilities.
- c) It is the intention of the Commission to foster open communication with all individuals requesting readily accessible programs, services and activities. The Commission encourages supervisors of programs, services and activities to respond to requests for modifications before they become grievances.

Section 225.20 Definitions

- a) **Complainant**
Complainant is an individual with a disability who files a grievance form provided by the Commission under this procedure.
- b) **Designated Coordinator**

INDUSTRIAL COMMISSION

NOTICE OF ADOPTED RULES

The Designated Coordinator is the person(s) appointed by the Chairman of the Commission who is responsible for the coordination of efforts of the Commission to comply with and carry out its responsibilities under Title II of the ADA including investigation of grievances filed by complainants. The Designated Coordinator may be contacted at 100 W. Randolph St., Suite 8-200, Chicago, Illinois 60601.

c) Grievance

A Grievance is any complaint under the ADA by an individual with a disability who:

- 1) meets the essential eligibility requirements for participation in or receipt of the benefits of a program, activity or service offered by the Commission, and
- 2) believes he or she has been excluded from participation in, or denied the benefits of, any program, service or activity of the Commission or has been subject to discrimination by the Commission.

Section 225.30 Procedure

- a) Grievances must be submitted through the channels defined below in the form and manner as described within the specified time limits. It is mutually desirable and beneficial that grievances be satisfactorily resolved in a prompt manner. Time limits established in this procedure are in calendar days, unless otherwise stated, and may be extended by mutual agreement in writing by the complainant and the reviewer at the Designated Coordinator and Final Levels.
- b) A complainant's failure to submit a grievance, or to submit or appeal it to the next level of procedure within the specified time limits, shall mean that the complainant has withdrawn the grievance or has accepted the last response given in the grievance procedure as the Commission's response.
- c) The Commission shall, upon being informed of that individual's desire to file a formal grievance, instruct the individual how to receive a copy of this procedure and the grievance form.

Section 225.40 Designated Coordinator Level

- a) If an individual desires to file a formal written grievance, the individual shall promptly, but no later than 180 days after the alleged discrimination, submit the grievance to the Designated Coordinator in writing on the grievance form prescribed for that purpose. The grievance form must be completed in full in order to receive proper consideration by the Designated Coordinator.
- b) Upon request, assistance shall be provided by the Commission to complete the grievance form.
- c) The Designated Coordinator, or his/her representative, shall investigate the grievance and shall make reasonable efforts to resolve it. The Designated Coordinator shall provide a written response to the complainant and Chairman within ten (10) business days after

INDUSTRIAL COMMISSION

NOTICE OF ADOPTED RULES

receipt of the grievance form.

Section 225.50 Final Level

- a) If the grievance has not been resolved at the Designated Coordinator Level to the satisfaction of the complainant, the complainant may submit a copy of the grievance form and Designated Coordinator's response to the Chairman of the Commission for final review. The complainant shall submit these documents to the Chairman, together with a short written statement explaining the reason(s) for dissatisfaction with the Designated Coordinator's written response, within five (5) business days after receipt by the complainant of the Designated Coordinator's response.
- b) The Chairman of the Commission shall appoint a three-member panel to review the grievance at the Final Level. One member so appointed shall be designated chairman.
- c) The complainant shall be afforded an opportunity to appear before the panel. Complainant shall have a right to appoint a representative to appear on his/her behalf. The panel shall review the Designated Coordinator's written response and may conduct interviews and seek advice as it deems appropriate.
- d) Upon reaching a concurrence, the panel shall make recommendations in writing to the Chairman of the Commission as to the proper resolution of the grievance. All recommendations shall include reasons for such recommendations and shall bear the signatures of the concurring panel members. A dissenting member of the panel may make a recommendation to the Chairman of the Commission in writing and shall also sign such recommendation.
- e) Upon receipt of recommendations from a panel, the Chairman of the Commission shall approve, disapprove or modify the panel's recommendations, shall render a decision thereon in writing, shall state the basis therefor, and shall cause a copy of the decision to be served on the parties. The Chairman's decision shall be final. If the Chairman disapproves or modifies the panel's recommendations, the Chairman shall include written reasons for such disapproval or modification.
- f) The grievance form, the Designated Coordinator's response, the statement of the reasons for dissatisfaction, the recommendations of the panel, and the decision of the Chairman of the Commission shall be maintained in accordance with the State Records Act (Ill. Rev. Stat. 1991, ch. 116, par. 43.3 et seq.), or as otherwise required by law.

Section 225.60 Accessibility

The Commission shall ensure that all stages of the procedure are readily accessible to and usable by individuals with disabilities.

Section 225.70 Case-by-Case Resolution

INDUSTRIAL COMMISSION

NOTICE OF ADOPTED RULES

Each grievance involves a unique set of factors that includes but is not limited to: the specific nature of the disability; the essential eligibility requirements, the benefits to be derived, and the nature of the service, program or activity at issue; the health and safety of others; and whether an accommodation would constitute a fundamental alteration to the program, service or activity or undue hardship on the Department. Accordingly, termination of a grievance at any level, whether through the granting of relief or otherwise, shall not constitute a precedent on which any other complainants should rely.

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Medical Payment
- 2) Code Citation: 89 Ill. Adm. Code 140
- 3) Section Number: Adopted Action:
140. Table K Amendment
- 4) Statutory Authority: Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, par. 12-13) [305 ILCS 5/12-13]
- 5) Effective Date of Amendments: February 17, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these Amendments contain incorporations by reference? No
- 8) Date Filed in Agency's Principal Office: February 17, 1993
- 9) Notice of Proposal Published in Illinois Register:
October 9, 1992 (16 Ill. Reg. 15296)
- 10) Has JCAR issued a Statement of Objections to these Adopted Amendments? No
- 11) Differences between proposal and final version: There are no differences between the proposed and final versions of these amendments.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will these Amendments replace Emergency Amendments currently in effect? No
- 14) Are there any Amendments pending on this Part? Yes

Sections	Proposed Action	Illinois Register Citation
140.12	Amendment	November 6, 1992 (16 Ill. Reg. 17049)
140.19	Amendment	January 8, 1993 (17 Ill. Reg. 62)
140.80	New Section	October 2, 1992 (16 Ill. Reg. 15019)
140.82	New Section	October 2, 1992 (16 Ill. Reg. 15019)
140.84	New Section	October 2, 1992 (16 Ill. Reg. 15019)
140.94	Amendment	October 2, 1992 (16 Ill. Reg. 15019)
140.95	Amendment	October 2, 1992 (16 Ill. Reg. 15019)
140.485	Amendment	October 30, 1992 (16 Ill. Reg. 16495)
140.488	Amendment	October 30, 1992 (16 Ill. Reg. 16495)
140.511	Amendment	November 20, 1992 (16 Ill. Reg. 17461)
140.539	Amendment	December 18, 1992 (16 Ill. Reg. 19665)

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

- Sections Proposed Action Illinois Register Citation
- 140.642 Amendment November 30, 1992 (16 Ill. Reg. 17956)
- 140.648 Amendment November 13, 1992 (16 Ill. Reg. 17209)
- 15) Summary and Purpose of Amendments: These amendments provide for the revision of procedure code descriptions pertaining to primary care services which are eligible for the 10 percent fee incentive allowed under the Medicaid Partnership Program. These procedure codes, which are found in the Physician's Current Procedural Terminology (CPT-IV) and which are utilized in the Medicaid Program, are revised annually by members of the American Medical Association. It is then necessary to update the procedure codes in the Department's administrative rules which refer to Medicaid funded services.
- The procedure codes found in Section 140. Table K are specific to primary care services which are provided to clients living in areas designated for participation in the Medicaid Partnership Program (East St. Louis and Chicago). This Program is designed to promote physician involvement in the Medicaid Program in high need areas, through a physician fee incentive of 10 percent. The procedure codes which are being proposed for revision refer to physician services provided during office visits and in outpatient settings, and medical services provided during home visits.

- 16) Information and questions regarding these Adopted Amendments shall be directed to:

Name: Joanne Jones
 Address: Bureau of Rules and Regulations
 Illinois Department of Public Aid
 100 South Grand Avenue East, Third Floor
 Springfield, Illinois 62762
 Telephone: (217) 524-3215

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC AID

DEPARTMENT OF PUBLIC AID

NOTICE OF ADOPTED AMENDMENTS

NOTICE OF ADOPTED AMENDMENTS

TITLE 89: SOCIAL SERVICES
CHAPTER I: DEPARTMENT OF PUBLIC AID
SUBCHAPTER d: MEDICAL PROGRAMSPART 140
MEDICAL PAYMENT

SUBPART A: GENERAL PROVISIONS

- Section
140.1 Medical Assistance Programs
140.2 Covered Services Under The Medical Assistance Programs for AFDC,
140.3 AFDC-MANG, AABD, AABD-MANG, RRP, Individuals Under Age 18 Not
Eligible for AFDC, Pregnant Women Who Would Be Eligible if the
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AUTHORITY: Implementing Article III of the Illinois Health Finance Reform Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 6503-1 et seq.) and implementing and authorized by Articles III, IV, V, VI, VII and Section 12-13 of the Illinois Public Aid Code (Ill. Rev. Stat. 1991, ch. 23, pars. 3-1 et seq., 4-1 et seq., 5-1 et seq., 6-1 et seq., 7-1 et seq., and 12-13)

SOURCE: Adopted at 3 Ill. Reg. 24, p. 166, effective June 10, 1979; rule repealed and new rule adopted at 6 Ill. Reg. 8374, effective July 6, 1982; emergency amendment at 6 Ill. Reg. 8508, effective July 6, 1982, for a maximum of 150 days; amended at 7 Ill. Reg. 681, effective December 30, 1982; amended at 7 Ill. Reg. 7956, effective July 1, 1983; amended at 7 Ill. Reg. 8308, effective July 1, 1983; amended at 7 Ill. Reg. 8271, effective July 5, 1983; emergency amendment at 7 Ill. Reg. 8354, effective July 5, 1983, for a maximum of 150 days; amended at 7 Ill. Reg. 8540, effective July 15, 1983; amended at 7 Ill. Reg. 9382, effective July 22, 1983; amended at 7 Ill. Reg. 12868, effective September 20, 1983; peremptory amendment at 7 Ill. Reg. 15047, effective October 31, 1983; amended at 7 Ill. Reg. 17358, effective December 21, 1983; amended at 8 Ill. Reg. 254, effective December 21, 1983; emergency amendment at 8 Ill. Reg. 580, effective January 1, 1984, for a maximum of 150 days; recodified at 8 Ill. Reg. 2483; amended at 8 Ill. Reg. 3012, effective February 22, 1984; amended at 8 Ill. Reg. 5262, effective April 9, 1984; amended at 8 Ill. Reg. 6785, effective April 27, 1984; amended at 8 Ill. Reg. 6983, effective May 9, 1984; amended at 8 Ill. Reg. 7258, effective May 16, 1984; emergency amendment at 8 Ill. Reg. 7910, effective May 22, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 7910, effective June 1, 1984; amended at 8 Ill. Reg. 10032, effective June 18, 1984; emergency amendment at 8 Ill. Reg. 10062, effective June 20, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 13343, effective July 17, 1984; amended at 8 Ill. Reg. 13779, effective July 24, 1984; Sections 140.72 and 140.73 recodified to 89 Ill. Adm. Code 141 at 8 Ill. Reg. 16354; amended (by adding sections being codified with no substantive change) at 8 Ill. Reg. 17899; peremptory amendment at 8 Ill. Reg. 18151, effective September 18, 1984; amended at 8 Ill. Reg. 21629, effective October 19, 1984; peremptory amendment at 8 Ill. Reg. 21677, effective October 24, 1984; amended at 8 Ill. Reg. 22097, effective October 24, 1984; peremptory amendment at 8 Ill. Reg. 22155, effective October 29,

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1984; amended at 8 Ill. Reg. 23218, effective November 20, 1984; emergency amendment at 8 Ill. Reg. 23721, effective November 21, 1984, for a maximum of 150 days; amended at 8 Ill. Reg. 25067, effective December 19, 1984; emergency amendment at 9 Ill. Reg. 407, effective January 1, 1985, for a maximum of 150 days; amended at 9 Ill. Reg. 2697, effective February 22, 1985; amended at 9 Ill. Reg. 6235, effective April 19, 1985; amended at 9 Ill. Reg. 8677, effective May 28, 1985; amended at 9 Ill. Reg. 9564, effective June 5, 1985; amended at 9 Ill. Reg. 10025, effective June 26, 1985; emergency amendment at 9 Ill. Reg. 11357, effective June 28, 1985; amended at 9 Ill. Reg. 12000, effective July 24, 1985; amended at 9 Ill. Reg. 12306, effective August 5, 1985; amended at 9 Ill. Reg. 13998, effective September 3, 1985; amended at 9 Ill. Reg. 14684, effective September 13, 1985; amended at 9 Ill. Reg. 15503, effective October 4, 1985; amended at 9 Ill. Reg. 16312, effective October 11, 1985; amended at 9 Ill. Reg. 19138, effective December 2, 1985; amended at 9 Ill. Reg. 19737, effective December 9, 1985; amended at 10 Ill. Reg. 238, effective December 27, 1985; emergency amendment at 10 Ill. Reg. 798, effective January 1, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 672, effective January 6, 1986; amended at 10 Ill. Reg. 1206, effective January 13, 1986; amended at 10 Ill. Reg. 3041, effective January 24, 1986; amended at 10 Ill. Reg. 6981, effective April 16, 1986; amended at 10 Ill. Reg. 7825, effective April 30, 1986; amended at 10 Ill. Reg. 8128, effective May 7, 1986; emergency amendment at 10 Ill. Reg. 8912, effective May 13, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 11440, effective June 20, 1986; amended at 10 Ill. Reg. 14714, effective August 27, 1986; amended at 10 Ill. Reg. 15211, effective September 12, 1986; emergency amendment at 10 Ill. Reg. 16729, effective September 18, 1986, for a maximum of 150 days; amended at 10 Ill. Reg. 18808, effective October 24, 1986; amended at 10 Ill. Reg. 19742, effective November 12, 1986; amended at 10 Ill. Reg. 21784, effective December 15, 1986; amended at 11 Ill. Reg. 698, effective December 19, 1986; amended at 11 Ill. Reg. 1418, effective December 31, 1986; amended at 11 Ill. Reg. 2323, effective January 16, 1987; amended at 11 Ill. Reg. 4002, effective February 25, 1987; Section 140.71 recodified to 89 Ill. Adm. Code 141 at 11 Ill. Reg. 4302; amended at 11 Ill. Reg. 4303, effective March 6, 1987; amended at 11 Ill. Reg. 7664, effective April 15, 1987; emergency amendment at 11 Ill. Reg. 9342, effective April 20, 1987, for a maximum of 150 days; amended at 11 Ill. Reg. 9169, effective April 28, 1987; amended at 11 Ill. Reg. 10903, effective June 1, 1987; amended at 11 Ill. Reg. 11528, effective June 22, 1987; amended at 11 Ill. Reg. 12011, effective June 30, 1987; amended at 11 Ill. Reg. 12290, effective July 6, 1987; amended at 11 Ill. Reg. 14048, effective August 14, 1987; amended at 11 Ill. Reg. 14771, effective August 25, 1987; amended at 11 Ill. Reg. 16758, effective September 28, 1987; amended at 11 Ill. Reg. 17995, effective September 30, 1987; amended at 11 Ill. Reg. 18696, effective October 27, 1987; amended at 11 Ill. Reg. 20909, effective December 14, 1987; amended at 12 Ill. Reg. 916, effective January 1, 1988; emergency amendment at 12 Ill. Reg. 1960, effective January 1, 1988, for a maximum of 150 days; amended at 12 Ill. Reg. 5427, effective March 15, 1988; amended at 12 Ill. Reg. 6246, effective March 16, 1988; amended at 12 Ill.

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Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 thru 140.916, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

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Reg. 6728, effective March 22, 1988; Sections 140.900 thru 140.912 and 140.914 thru 140.916, effective August 31, 1990; amended at 14 Ill. Reg. 15366, effective September 12, 1990; amended at 14 Ill. Reg. 15981, effective September 21, 1990; amended at 14 Ill. Reg. 17279, effective October 12, 1990; amended at 14 Ill. Reg. 18057, effective October 22, 1990; amended at 14 Ill. Reg. 18508, effective October 30, 1990; amended at 14 Ill. Reg. 18813, effective November 6, 1990; amended at 14 Ill. Reg. 20478, effective December 7, 1990; amended at 14 Ill. Reg. 20729, effective December 12, 1990; amended at 15 Ill. Reg. 298, effective December 28, 1990; emergency amendment at 15 Ill. Reg. 592, effective January 1, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 1051, effective January 18, 1991; Section 140.569 withdrawn at 15 Ill. Reg. 1174; amended at 15 Ill. Reg. 6220, effective April 18, 1991; amended at 15 Ill. Reg. 6534, effective April 30, 1991; amended at 15 Ill. Reg. 8264, effective May 23, 1991; amended at 15 Ill. Reg. 8972, effective June 17, 1991; Reg. 10468, effective July 1, 1991; amended at 15 Ill. Reg. 11176, effective August 1, 1991; emergency amendment at 15 Ill. Reg. 11515, effective July 25, 1991, for a maximum of 150 days; emergency expired December 22, 1991; emergency amendment at 15 Ill. Reg. 12919, effective August 15, 1991, for a maximum of 150 days; emergency expired January 12, 1992; emergency amendment at 15 Ill. Reg. 16366, effective October 22, 1991, for a maximum of 150 days; amended at 15 Ill. Reg. 17318, effective November 18, 1991; amended at 15 Ill. Reg. 17733, effective November 22, 1991; emergency amendment at 16 Ill. Reg. 300, effective December 20, 1991, for a maximum of 150 days; amended at 16 Ill. Reg. 174, effective December 24, 1991; amended at 16 Ill. Reg. 1877, effective January 24, 1992; amended at 16 Ill. Reg. 3552, effective February 28, 1992; amended at 16 Ill. Reg. 4006, effective March 6, 1992; amended at 16 Ill. Reg. 6408, effective March 20, 1992; amended at 16 Ill. Reg. 6849, effective April 7, 1992; amended at 16 Ill. Reg. 7017, effective April 17, 1992; amended at 16 Ill. Reg. 10050, effective June 5, 1992; amended at 16 Ill. Reg. 11174, effective June 26, 1992; expedited correction at 16 Ill. Reg. 11348, effective March 20, 1992; emergency amendment at 16 Ill. Reg. 11947, effective July 10, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 12186, effective July 24, 1992; emergency amendment at 16 Ill. Reg. 13337, effective August 14, 1992, for a maximum of 150 days; emergency amendment at 16 Ill. Reg. 15109, effective September 21, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 15561, effective September 30, 1992; amended at 16 Ill. Reg. 17302, effective November 2, 1992; emergency amendment at 16 Ill. Reg. 18097, effective November 17, 1992, for a maximum of 150 days; amended at 16 Ill. Reg. 19146, effective December 1, 1992; amended at 16 Ill. Reg. 19879, effective December 7, 1992; amended at 17 Ill. Reg. 837, effective January 11, 1993; amended at 17 Ill. Reg. 1112, effective January 15, 1993; amended at 17 Ill. Reg. 2290, effective February 15, 1993; amended at 17 Ill. Reg. 2951, effective February 17, 1993.

NOTE: CAPITALIZATION DENOTES STATUTORY LANGUAGE.

SUBPART H: ILLINOIS COMPETITIVE ACCESS AND REIMBURSEMENT
EQUITY (ICARE) PROGRAM

Section 140. Table K Services Qualifying for 10% Add-On

Code	Code Description
New Patient	
90000	Office-medical-service,-new-patient,-brief-service
99201	Office or other outpatient visit for the evaluation and management of a new patient, which requires these three key components: a problem focused history; a problem focused examination; and straightforward medical decision making. Counseling and/or coordination of care with other providers or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family needs. Usually, the presenting problem(s) are self limited or minor. Physicians typically spend 10 minutes face-to-face with the patient and/or family.
90010	limited-service
99202	Office or other outpatient visit for the evaluation and management of a new patient, which requires these three key components: an expanded problem focused history; an expanded problem focused examination; and straightforward medical decision making. Counseling and/or coordination of care with other providers or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's need. Usually, the presenting problem(s) are of low to moderate severity. Physicians typically spend 20 minutes face-to-face with the patient and/or family.
90015	intermediate-service
99203	Office or other outpatient visit for the evaluation and management of a new patient, which requires these three key components: a detailed history; a detailed examination; and medical decision making of low complexity. Counseling and/or coordination of care with other providers or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's need. Usually the presenting problem(s) are of moderate severity. Physicians typically spend 30 minutes face-to-face with the patient and/or family.
90017	extended-service
99204	Office or other outpatient visit for the evaluation and management of a new patient, which requires these three key components: a comprehensive history; a comprehensive examination; and a medical decision making of moderate complexity. Counseling and/or coordination of care with other

Section 140. Table K (continued)

90020	comprehensive-service
99205	Office or other outpatient visit for the evaluation and management of a new patient, which requires these three key components: a comprehensive history; a comprehensive examination; and medical decision making of high complexity. Counseling and/or coordination of care with other providers or agencies are provided consistent with the nature of problem(s) and the patient's and/or family's need. Usually, the presenting problem(s) are of moderate to high severity. Physicians typically spend 60 minutes face-to-face with the patient and/or family.
Established Patient	
90030	Office-medical-service,-established-patient,-minimal-service
99211	Office or other outpatient visit for the evaluation and management of an established patient, that may not require the presence of a physician. Usually, the presenting problem(s) are minimal. Typically, 5 minutes are spent performing or supervising these services.
90040	Brief-service
99212	Office or other outpatient visit for the evaluation and management of an established patient, which requires at least two of these three key components: a problem focused history; a problem focused examination; and straightforward medical decision making. Counseling and/or coordination of care with other providers or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are self limited or minor. Physicians typically spend 10 minutes face-to-face with the patient and/or family.
90050	limited-service
90060	intermediate-service
99213	Office or other outpatient visit for the evaluation and management of an established patient, which requires at least two of these three key components: an expanded problem focused history; an expanded problem focused examination; and medical decision making of low complexity. Counseling and coordination of care are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually,

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Section 140. TABLE K (continued)

the presenting problem(s) are of low to moderate severity. Physician's typically spend 15 minutes face-to-face with the patient and/or family.

90070 extended-service

90214 Office or other outpatient visit for the evaluation and management of an established patient which requires at least two of these three key components: a detailed history; a detailed examination; and medical decision making of moderate complexity. Counseling and/or coordination of care with other providers or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's need. Usually, the presenting problem(s) are of moderate to moderate to high severity. Physician's typically spend 25 minutes face-to-face with the patient and/or family.

90080 comprehensive-service

90215 Office or other outpatient visit for the evaluation and management of an established patient which requires at least two of these three key components: a comprehensive history; a comprehensive examination; and medical decision making of high complexity. Counseling and/or coordination of care with other providers or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's need. Usually, the presenting problem(s) are of moderate to high severity. Physician's typically spend 40 minutes face-to-face with the patient and/or family.

General Ophthalmological Services

New Patient

A patient who is new to the physician whose medical and administrative record needs to be established.

{for-brief-of-limited-services-to-new-patient, as-for-minor-adrenal-condition, see-90080, -90010}

92002 Ophthalmological services; medical examination and evaluation with initiation of diagnostic and treatment program;

92004 comprehensive, new patient, one or more visits

Established Patient

A patient whose medical and administrative records are available to the physician. The designation of new or established patient does not preclude the use of a specific level of service.

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Section 140. TABLE K (continued)

{for-minimal, brief-of-limited-services-to-an-established-patient, see 90030-90050}

92012 Ophthalmological services; medical examination and evaluation, with initiation or continuation of diagnostic and treatment program; intermediate, established patient comprehensive, established patient, one or more visits

Home Medical Services

New Patient

90100

Home-medical-service, new patient, brief-service

90341

Home visit for the evaluation and management of a new patient, which requires these three components: a problem focused history; a problem focused examination; and medical decision making that is straightforward or of low complexity. Counseling and/or coordination of care with other providers or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are of low severity.

90110 limited-service

intermediate-service

90115

Home visit for the evaluation and management of a new patient, which requires these three key components: an expanded problem focused history; an expanded problem focused examination; and medical decision making of moderate complexity. Counseling and/or coordination of care with other providers or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are of moderate severity.

90117 extended-service

90343

Home visit for the evaluation and management of a new patient, which requires these three key components: a detailed history; a detailed examination; and medical decision making of high complexity. Counseling and/or coordination of care with other providers or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the presenting problem(s) are of high severity.

Established Patient

90120

Home medical service, established patient, minimal service

90140

brief service

90351

Home visit for the evaluation and management of an established

Section 140.TABLE K (continued)

patient, which requires at least two of these three key components: a problem focused interval history; a problem focused examination; and medical decision making that is straightforward or of low complexity. Counseling and/or coordination of care with other providers or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the patient is stable, recovering or improving.

limited-service
intermediate-service

Home visit for the evaluation and management of an established patient, which requires at least two of these three key components: an expanded problem focused interval history; an expanded problem focused examination; and medical decision making of moderate complexity. Counseling and/or coordination of care with other providers or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the patient is responding inadequately to therapy or has developed a minor complication.

extended-service

Home visit for the evaluation and management of an established patient, which requires at least two of these three key components: a detailed interval history; a detailed examination; medical decision making of high complexity. Counseling and/or coordination of care with other providers or agencies are provided consistent with the nature of the problem(s) and the patient's and/or family's needs. Usually, the patient is unstable or has developed a significant complication or a significant new problem.

Diagnostic Procedures

81000 Urinalysis, routine (ph specific gravity protein tests for reducing substances such as glucose), with microscopy

81002 Urinalysis routine without microscopy

81005 Chemical, qualitative, any number of constituents

82465 Cholesterol, serum; total

82470 Cholesterol, serum; total and ester

83645 Lead Screening; Blood

84702 Gonadotropin, chorionic quantitative pregnancy test

84703 Gonadotropin, chorionic qualitative pregnancy test

85660 Sickie of RBC, reduction slide method

86580 Tuberculosis intradermal

86585 TB Time Test

86592 Syphilis Test, qualitative

Section 140.TABLE K (continued)

87081 GC Culture Test, bacterial screening only

87083 Culture, multiple organisms

87087 Urine bacteria count, commercial kit

87088 Urine bacteria culture, identification, in addition to colony count and commercial kit

87110 Chlamydia Culture

W7430 Denver DST

SCREENINGS (Rates Effective March 1, 1991)

Health Screening

1) Birth to 02 weeks	11)	02 to 03 years
2) 02 weeks to 01 month	12)	03 to 04 years
3) 01 to 02 months	13)	04 to 05 years
4) 02 to 04 months	14)	05 to 06 years
5) 04 to 06 months	15)	06 to 08 years
6) 06 to 09 months	16)	08 to 10 years
7) 09 to 12 months	17)	10 to 12 years
8) 12 to 15 months	18)	12 to 14 years
9) 15 to 18 months	19)	14 to 16 years
10) 18 to 24 months	20)	16 to 18 years
	21)	18 to 21 years

Code	Description	Rate
W7018	Periodic Health Screening	\$30.00
W7018	Interperiodic Health Screening*	\$30.00
W7588	Make-up Visit**	\$ 5.50

*OBRA '89 requires states to pay for screening services at intervals in addition to those identified in the basic periodicity schedule.

Medical/developmental screening, vision, hearing, and/or dental screening services may be provided at such other intervals indicated as medically necessary to determine the existence of physical or mental illnesses or conditions. Interperiodic screening examinations may occur even in the case of children whose physical, mental, or developmental illnesses or conditions have already been diagnosed, if there are indications that the illness or condition may have become more severe, or has changed sufficiently that further examination is medically necessary.

** Make-up Visit may be billed when diagnostic procedures or immunizations are provided at a separate visit from the periodic health screening.

Vision Screening

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Section 140. TABLE K (continued)

Beginning at age three (03) through twenty (20) years, the Department will pay for one vision screening performed by a qualified provider per year for an eligible child. However, the Department will pay for other such screenings when medically necessary, regardless of child's age or medical history.

Code	Description	Rate
W7087	Vision Screening	\$ 7.00

Hearing Screening

Beginning at age one (01) year for children at high risk for hearing problems and age three (03) years for all other children, the Department will pay for one hearing screening performed by a qualified provider per year for an eligible child. However, the Department will pay for other such screenings when medically necessary, regardless of a child's age or medical history.

Code	Description	Rate
W7020	Hearing Screening	\$ 7.00

Immunizations

W7403	Diphtheria, Tetanus, Pertussis (DPT 1)
W7404	DPT 2
W7402	DPT 3
W7405	DPT B1
W7406	DPT B2
W7407	Polio Virus, Live Oral (OPV 1)
W7408	OPV 2
W7409	OPV 3
W7410	OPV B1
W7411	OPV B2
W7412	DT 1
W7413	DT 2
W7414	DT 3
W7415	DT Booster 1
W7416	DT Booster 2
W7580	Measles
W7581	Rubella
W7582	Mumps
W7583	MMR
W7584	Measles, Rubella
W7585	Haemophilus B (HIB)

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Section 140. TABLE K (continued)

Immunizations are replaced by the Illinois Department of Public Health (IDPH) based on paid claims. Providers are encouraged to participate in the replacement program. To receive replacement vaccine, providers must have a signed certification form on file with the Illinois Department of Public Health.

Health Insurance Claim Form (DPA 2360) enter X in 23A EFSDT
Yes when using above codes.

Allergy Testing

Allergy Testing

95000	Percutaneous test (scratch, puncture, prick) with allergenic extracts, up to 30 tests
95001	31-60 tests
95002	61-90 tests
95003	more than 90 tests
95005	Percutaneous tests (scratch, puncture, prick) with biologicals, stinging insects, 1-5 tests
95006	6-10 tests
95007	11-15 tests
95011X	more than 15 tests
95014	Intracutaneous (intradermal) tests, with antibiotics, biologicals, stinging insects, immediate reaction 15-20 minutes; 1-5 tests
95016	6-10 tests
95017	11-15 tests
95018X	more than 15 tests
95020	Intracutaneous (intradermal) tests with allergic extracts, immediate reaction 15-20 minutes; up to 10 tests
95021	11-20 tests
95022	21-30 tests
95023	more than 30 tests
95030	Intracutaneous (intradermal) tests with allergic extracts, delayed reaction 24 to 72 hours, including reading, 2 tests
95031	3-4 tests
95032	5-6 tests
95033	7-8 tests
95034	more than 8 tests
95040	Patch or application tests; up to 10 tests
95041	11-20 tests
95042	21-30 tests
95043	more than 30 tests
95050	Photo patch tests, up to 10 tests
95051	more than 10 tests

Section 140. TABLE K (continued)

Allergy Immunotherapy

- 95115 Professional services for allergen immunotherapy not including provision of allergenic extracts; single injection
- 95117 multiple injections
- 95120 Professional services for allergen immunotherapy in prescribing physician's office or institution, including provision of allergenic extract; single antigen
- 95125 multiple antigens (specify number of injections)

Code Code Description

Psychiatric Procedures

- 90801 Psychiatric diagnosis interview examination including history, mental status, or disposition (may include communication with family or other sources, ordering and medical interpretation of laboratory or other medical diagnostic studies); in certain circumstances, other informants will be seen in lieu of the patient; 50 minutes minimum.
- 90835 Narcosynthesis for psychiatric diagnostic and therapeutic purposes; e.g., amylal interview.
- W7460 Psychiatric Consultation - includes psychiatric history, mental status, diagnosis, conference with primary physician; 50 minutes minimum.
- 90843 Individual medical psychotherapy, with continuing medical diagnostic evaluation, and drug management when indicated, including psychoanalysis, insight oriented, behavior modifying or supportive psychotherapy; 20 minutes minimum.
- 90844 Individual medical psychotherapy, with continuing medical diagnostic evaluation, and drug management when indicated, including psychoanalysis, insight oriented, behavior modifying or supportive psychotherapy; 45 minutes minimum.
- 90847 Family medical psychotherapy (conjoint psychotherapy) with continuing medical diagnostic evaluation, and drug management when indicated; 45 minutes minimum.
- 90849 Multiple-family group medical psychotherapy, with continuing medical diagnostic evaluation, and drug management when indicated, 45 minutes minimum.
- W7464 Basic daily inpatient psychiatric care, time unspecified.
- 90853 Group medical psychotherapy, (other than of a multiple-family group) with continuing medical diagnostic evaluation, and drug management when indicated, 60 minutes minimum, maximum 8 persons.
- 90862 Chemotherapy management, including prescription, use and review of medication with no more than minimum medical psychotherapy.
- 90870 Electroconvulsive therapy.

Section 140. TABLE K (continued)

Function Tests (Audiological With Medical Diagnostic Evaluation)

- 92551 Screening test, pure tone, air only
- 92552 Pure tone audiometry (threshold); air only
- 92553 air and bone
- 92555 Speech audiometry; threshold only
- 92557 Basic comprehensive audiometry (pure tone, air and bone, and speech, threshold and discrimination)

Code Code Description

Other Services

- W7454 Family Planning Visit
- 59420 Prenatal visit
- 59430 Postpartum care
- 82270 Blood; occult feces, screening
- 90702 Diphtheria and tetanus toxoids (adult)
- 90724 Influenza virus vaccine
- 94642 Prophylaxis for pneumocystis carinii pneumonitis

(Source: Amended at 17 Ill. Reg. 2951, effective February 17, 1993)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENTS

1) The Heading of the Part:

Immunization Code

2) Code Citation:

77 Ill. Adm. Code 695

3) Section Numbers:

695.10
695.30
695.40
695.50
695.Appendix A

Adopted Action:

Amendment
Amendment
Amendment
New Section
New Section

4) Statutory Authority:

The Communicable Disease Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 22.11 et seq.), Section 27-8.1 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 27-8.1), and the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2217)

5) Effective Date of Amendments: February 11, 19936) Does this Rulemaking Contain an Automatic Repeal Date? No7) Does this Rulemaking Contain any Incorporations by Reference? No8) Date Filed in Agency's Principal Office: February 11, 19939) Date Notice of Proposed Amendments was Published in the Illinois Register:

16 Ill. Reg. 13472 - September 4, 1992

10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No11) Difference Between Proposal and Final Version:

The following sentence was added at the end of Section 695.10(h)(1): "A child immunized with live measles virus vaccine at twelve (12) months of age or older, who resides in an area identified by the Department as high-risk for measles at the time of vaccine administration, may be considered protected and in compliance."

DEPARTMENT OF PUBLIC HEALTH

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In addition, various technical and grammatical corrections have been made at the suggestion of the Administrative Code Division or the Joint Committee on Administrative Rules.

12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

Yes

13) Will the Amendments Replace an Emergency Rule Currently in Effect? No14) Are there any other Amendments Pending on this Part? No15) Summary and Purpose of Amendments:

The amendments specify immunization requirements for children entering a child care facility, add Haemophilus influenzae type b to the basic immunization list, and reinstate the language of the rubella requirement, which had previously be mistakenly deleted from the text.

16) Information and Questions Regarding this Adopted rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page:

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER k: COMMUNICABLE DISEASE CONTROL AND IMMUNIZATIONS

PART 695

~~SE0006-0411B~~ IMMUNIZATION CODE

Section	
695.10	Basic Immunization
695.20	Booster Immunizations
695.30	Exceptions
695.40	List of Non-Immunized Child Care Facility Attendees or Students
695.50	Proof of Immunity
APPENDIX A	Vaccination Schedule for Haemophilus b Conjugate Vaccines (HbcV)

AUTHORITY: Implementing and authorized by the Communicable Disease Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 22.11 et seq.), Section 27-8.1 of the School Code (Ill. Rev. Stat. 1991, ch. 122, par. 27-8.1), and the Child Care Act of 1969 (Ill. Rev. Stat. 1991, ch. 23, par. 2217).

SOURCE: Emergency amendment effective June 23, 1977; emergency amendment at 3 Ill. Reg. 14, P. 88, effective March 21, 1979, for a maximum of 150 days; amended at 3 Ill. Reg. 52, P. 134, effective December 17, 1979; codified at 8 Ill. Reg. 4512; amended at 11 Ill. Reg. 11799, effective June 29, 1987; emergency amendment at 14 Ill. Reg. 5890, effective March 30, 1990, for a maximum of 150 days; amended at 14 Ill. Reg. 14562, effective August 27, 1990; amended at 15 Ill. Reg. 7712, effective May 1, 1991; amended at 17 Ill. Reg. 2975, effective February 11, 1993.

NOTE: In this Part, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

Section 695.10 Basic Immunization

- a) The optimum starting ages for the specified immunizing procedures are as follows:

1) Diphtheria	2-4 months
2) Pertussis	2-4 months, combined with diphtheria-tetanus toxoid
3) Tetanus	2-4 months
4) Poliomyelitis	2-4 months
5) Measles	15 months
6) Rubella	15 months
7) Mumps	15 months
8) Haemophilus influenzae type b	2-4 months

- b) All children 2 months of age and over upon first entering a child care facility shall present evidence that such person has been immunized,

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or is in the process of being immunized, according to the recommended schedule against diphtheria, pertussis, tetanus, polio, measles, mumps, rubella and Haemophilus influenzae type b.

cb) All children entering school in Illinois for the first time shall present evidence of immunity against:

- 1) Diphtheria
- 2) Pertussis (except as noted under Subsection subsection (de))
- 3) Tetanus
- 4) Poliomyelitis
- 5) Measles (except as noted under Subsection subsection (hg) below)
- 6) Rubella
- 7) Mumps

de) Any child under 6 years of age who has not been immunized against diphtheria, pertussis and tetanus shall receive 3 injections of diphtheria-pertussis-tetanus combined antigen separated by intervals of 4 weeks or more. Pertussis (whooping cough) vaccine is medically contraindicated for children over the age of 6 years.

ed) Any child 6 years of age or over not having been immunized against diphtheria or tetanus shall receive 2 injections of diphtheria-tetanus separated by intervals of 4-6 weeks or more, with a reinforcing dose at least 6 months 1-year after second.

fe) Diphtheria, Pertussis, Tetanus

- 1) Any non-school age child entering a child care facility must show proof (see Section 695.50) of having received three doses of Diphtheria, Pertussis, Tetanus (DPT) by one year of age and one additional dose by the second birthday. Individual doses in the series must have been received no less than four weeks apart. The interval between the third and fourth or final dose must be at least 6 months. Any child 24 months of age or older shall present proof of four doses of DPT vaccine, appropriately spaced. Any--child--who--upon--entry--has--had--a--primary--series--of--diphtheria-pertussis-tetanus--in--the--past--shall--require--a--booster--dose--of--diphtheria-pertussis-tetanus--if--he--or--she--is--under--6--years--of--age--and--has--not--had--a--booster--since--3--years--of--age--Any--child--who--upon--entry--has--had--a--primary--series--of--either--diphtheria-pertussis-tetanus--or--diphtheria-tetanus--in--the--past--shall--require--a--booster--dose--of--diphtheria-tetanus--if--he--or--she--is--between--the--ages--of--6--and--12--and--has--not--had--a--booster--dose--since--age--4--or
- B) is--12--years--of--age--or--over--and--has--not--had--a--booster--dose--within--the--preceding--8--years.

- 2) Any child 5 years of age or younger entering school for the first time must show proof (see Section 695.50) of having received four or more doses of Diphtheria, Pertussis, Tetanus (DPT) with the last dose being a booster and having been received on or after the 4th birthday, but prior to school entrance; or within one year prior to school entrance. Individual doses in the series must have been received no less than four weeks apart. The interval between the third and fourth, or final dose, must be at

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- least 6 months.
- 2† ideally, the primary series is given--in--infancy,--with--booster doses--prior-to-entering-kindergarten-or-first-grade-and-every-4-to-years--thereafter.
- 3† Any child 6 years of age or older must show proof (see Section 695.50) of having received three or more doses of DPT or Tetanus, Diphtheria (Td) with the last dose being a booster and having been received on or after the 4th birthday. Individual doses in the series must have been received no less than four weeks apart. The interval between the second and third, or final dose, must be at least 6 months.
- 4† If 10 years have elapsed since the last booster, an additional booster is required.
- 5† School age children entering a child care facility shall comply with the immunization requirements in accordance with subsections (2), (3) and (4) above.

g† Polio

- 1† Any non-school age child entering a child care facility must show proof (see Section 695.50) of having received two doses of trivalent live oral polio vaccine (TOPV) by one year of age and a third dose by the second birthday. Individual doses in the series must have been received no less than 6 weeks apart. The interval between the second and third, or final dose, must be at least 6 months. Any child 24 months of age or older shall present proof of at least three doses of TOPV, appropriately spaced.

- 2† If the child has received primary immunization against polio with live oral polio vaccine, a booster dose of trivalent live oral polio vaccine shall be administered prior to his or her entrance to kindergarten or first grade. Any child not having received primary immunization against polio with live oral polio vaccine shall receive 2 doses (no less than six weeks apart) (separated by 2-or-more-months) of trivalent live oral polio vaccine prior to entering kindergarten or first grade and a booster at least 6 to 12 months after the second.

- 3† A course of enhanced-potency inactivated poliovirus vaccine (e-IPV) and appropriate boosters may, for an individual child, be substituted for vaccination with live oral polio virus vaccine at the direction of a physician licensed to practice medicine in all its branches.

- 4† School age children entering a child care facility shall comply with the immunization requirements in accordance with subsections (2) and (3) above.

h† Measles

- 1† Any non-school age child entering a child care facility shall present evidence of one dose of live measles virus vaccine by the second birthday. The measles vaccine must have been received at 15 months of age or older. A child immunized with live measles virus vaccine at twelve months of age or older, who resides in an

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area identified by the Department as high-risk for measles at the time of vaccine administration, may be considered protected and in compliance.

- 2† The child shall present evidence that he or she has:
- A) been immunized against red measles (rubeola) prior to entering school for the first time, or
- B) a statement from the physician that he or she has had measles (rubeola).
- 3† Children who have had measles or have been immunized with one dose of live measles virus vaccine at 15 months of age or older or children who have had two doses of live measles virus vaccine, the first dose at least 12 months of age and the second dose no less than 1 month after the first, shall be considered protected and in compliance. At the direction of a physician licensed to practice medicine in all its branches, a child immunized with live measles virus vaccine at 12 months of age or older, who first enters school in Illinois between August 1977 and September 1981, may be considered protected and in compliance.
- 4† Children entering the 5th grade for the first time after July of 1990, entering the 9th grade for the first time after July of 1991, and entering any grade level after July of 1993, will be required to show evidence of having received two doses of live measles virus vaccine, the first dose at least 12 months of age and the second dose no less than 1 month after the first or other proof of immunity as described in this Part.
- 5† For students attending school programs where grade levels are not assigned, proof of two doses of measles vaccine as described in subsection (h)(4) (9†f3) shall be submitted prior to the school year in which the child reaches the ages of 5, 10, and 15.
- 6† School age children entering a child care facility shall comply with the immunization requirements in accordance with subsections (2), (3), (4) and (5) above.

i† Mumps

- 1† Any non-school age child entering a child care facility shall present evidence of one dose of live mumps virus vaccine by the second birthday. The mumps vaccine must have been received at twelve (12) months of age or older (preferably at fifteen (15) months of age or older).
- 2† The child shall present evidence that he or she has:
- A) been immunized against mumps prior to entering school for the first time, or
- B) a statement from the physician that he or she has had mumps.
- 3† Only those children who have had mumps or have been immunized with live mumps virus vaccine at twelve (12) months or older, shall be considered to be immune.
- 4† All children currently enrolled in school in Illinois who are susceptible to mumps, must show proof of immunity prior to enrolling for school year 1987-88.
- 5† School age children entering a child care facility shall comply

with the immunization requirements in accordance with subsections (2), (3) and (4) above.

1) Rubella

1) Any non-school age child entering a child care facility shall present evidence of one dose of rubella vaccine by the second birthday. The rubella vaccine must have been received at twelve (12) months of age or older (preferably at fifteen (15) months of age or older).

2) The child shall present evidence that he or she has:

- A) been immunized against rubella prior to entering school for the first time, or
- B) laboratory evidence of a blood titer of 1:16 (or equivalent titer) or greater.

3) Only those children who have laboratory (serologic) evidence of rubella immunity or have been immunized with rubella vaccine at twelve (12) months or older, shall be considered to be immune.

4) School age children entering a child care facility shall comply with immunization requirements in accordance with subsections (2) and (3) above.

k) Haemophilus influenzae type b (Hib). Any child entering a child care facility shall present evidence of immunization that complies with the Hib vaccination schedule in Appendix A of this Part. Any child who has reached his fifth birthday shall not be required to present evidence of immunization.

(Source: Amended at 17 Ill. Reg. 2975, effective February 11, 1993)

Section 695.30 Exceptions

a) The provisions of this Act shall not apply if:

- 1) The parent or guardian of the child objects thereto on the grounds that the administration of immunizing agents conflicts with his or her religious tenets or practices, or
- 2) A physician licensed to practice medicine in all its branches states in writing that the physical condition of the child is such that the administration of one or more of the required immunizing agents is medically contraindicated.

b) It is not the intent of this Part ~~these~~ Rules that any child whose parents comply with the intent of this Act should be excluded from a child care facility or school. A child or student shall be considered to be in compliance with the law if there is evidence of the intent to comply. Such evidence may be a signed statement from the physician that he has begun, or will begin, the necessary immunization procedures, or the parent's or guardian's written consent for the child's participation in a school or other community immunization program.

(Source: Amended at 17 Ill. Reg. 2975, effective

February 11, 1993)

Section 695.40 List of Non-Immunized Child Care Facility Attendees or Students

An accurate list shall be maintained at every child care facility or attendance center of all children who have not presented evidence of immunity against diphtheria, pertussis (to age six), tetanus, poliomyelitis, measles, rubella, and mumps and Haemophilus influenzae type b (to age five).

(Source: Amended at 17 Ill. Reg. 2975, effective February 11, 1993)

Section 695.50 Proof of Immunity

- a) Proof of immunity shall consist of documented evidence of the child having received a vaccine (verified by a health care provider, defined as a physician, child care or school health professional, or health official) or proof of disease (as described in subsections (c) through (e) below). As used in this Section, "physician" means a physician licensed to practice medicine in all of its branches (M.D. or D.O.).
- b) The day and month of the vaccine is required if it cannot otherwise be determined that the vaccine was given after the minimum interval or age.

c) Proof of prior measles disease must be verified with the date of illness signed by a physician, or laboratory evidence of immunity by an antibody titer of 1:16 (or equivalent titer) or greater.

d) The only acceptable proof of immunity for rubella is evidence of vaccine (see subsection (b) above) or laboratory evidence of a blood titer of 1:16 (or equivalent titer) or greater.

e) Proof of prior mumps disease must be verified with date of illness signed by a physician.

(Source: Added at 17 Ill. Reg. 2975, effective February 11, 1993)

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Section 695.APPENDIX A Vaccination Schedule for Haemophilus b Conjugate Vaccines (HbCV)

Vaccine	Age at 1st dose (mos.)	Primary series	Booster	Total number of doses for series
HibTITER (Lederle-Praxis (HbOC))	2-6	3 doses, 2mo. apart (a)	15 mo. (b)	4
	7-11	2 doses, 2mo. apart (a)	15 mo. (b)	3
	12-14	1 dose	15 mo. (b)	2
	15-59	1 dose (c)	None	1
PedvaxHIB (Merck Sharp and Dohme) (PRP-OMP)	2-6	2 doses, 2mo. apart (a)	12 mo. (b)	3
	7-11	2 doses, 2mo. apart (a)	15 mo. (b)	3
	12-14	1 dose	15 mo. (b)	2
	15-59	1 dose	None	1
ProHIBIT (Connaught) (PRP-D)	15-59	1 dose (c)	None	1

(a) Minimally acceptable interval between doses is one month

(b) At least two months after previous dose

(c) Children 15-59 months of age should receive only a single dose of HbCV vaccine

(Source: Added at 17 Ill. Reg. 2975, effective February 11, 1993)

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1) The Heading of the Part:

Long-Term Care Assistants and Aides Training Programs Code

2) Code Citation:

77 Ill. Adm. Code 395

3) Section Numbers:

Adopted Action:

395.100	Amendment
395.110	Amendment
395.120	Amendment
395.130	Amendment
395.140	Amendment
395.150	Amendment
395.160	Amendment
395.170	Amendment
395.175	New Section
395.180	Amendment
395.190	Amendment
395.200	Repealer
395.300	Amendment
395.400	Amendment

4) Statutory Authority:

Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.)

5) Effective Date of Amendments:

February 22, 1993

6) Does this Rulemaking Contain an Automatic Repeal Date?

Yes _____ No X

7) Does this Rulemaking Contain any Incorporations by Reference?

Yes _____ No X

8) Date Filed in Agency's Principal Office:

February 22, 1993

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- 9) Date Notice(s) of Proposal was Published in Illinois Register:

May 29, 1992 - 16 Ill. Reg. 8066

- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objections to this/these Rules? Yes No X

If "yes," please complete the following:

A) Statement of Objection: , Ill. Reg.

B) Agency Response: , Ill. Reg.

C) Date Agency Response Submitted for Approval to the Joint Committee:

- 11) Difference Between Proposal and Final Version:

The following changes were made in response to comments received during the first notice or public comment period:

- 1) The following language was added in Section 395.110(d):

"Applications for approval of Developmental Disabilities Aide Training Programs shall be submitted to the Department of Mental Health and Developmental Disabilities at the following address:

Illinois Department of Mental Health and Developmental Disabilities
Division of Developmental Disabilities
Wm. G. Stratton Building, Room 405
Springfield, Illinois 62765

- 2) Section 395.120(a) was amended as follows:

- a) Each application for initial program approval of a Basic Nursing Assistant or Basic Child Care/Habilitation Aide Training Program will be reviewed by the Department. The Department of Mental Health and Developmental Disabilities will review and either approve or disapprove applications for Developmental Disabilities Aide Training Programs in accordance with the requirements set forth in this Part.

- 3) Section 395.130(c) was amended as follows:

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The Department of Mental Health and Developmental Disabilities will review and either approve or disapprove applications for program renewal of Developmental Disabilities Aide Training Programs in accordance with the requirements of this Part.

- 4) The heading of Section 395.170 was changed to read: "Basic Nursing Assistant Training Program Operation Requirements."
5) Subsection 395.170(d) was renumbered to a new Section 395.175 entitled "Program Notification Requirements."

The following changes were made in response to comments and suggestions of the Joint Committee on Administrative Rules:

- 1) New Section 395.175 was added to the Notice pages.
2) In Section 395.120(c) the Federal Register page number was changed to 48919.
3) For purposes of consistency, initial capital letters were used for "Train The Trainer" throughout the rules.
4) In Section 395.160, the second subsection (c) was changed to (d).
5) In Section 395.160, the words "registered nurses, licensed practical nurses," were added after "but not be limited to" in subsection (d) to conform the rules to corresponding federal requirements.

In addition, various typographical, grammatical and form changes were made in response to the comments from the Administrative Code Division and the Joint Committee on Administrative Rules.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

The Department has made all the changes to which it agreed with the Joint Committee.

- 13) Will the Rules Replace an Emergency Rule Currently in Effect?

Yes No X

- 14) Are there any other Amendments Pending on this Part? Yes No X

If yes:

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<u>Section Numbers</u>	<u>Proposed Action</u>	<u>Ill. Reg. Citation</u>
_____	_____	_____

15) Summary and Purpose of Rules:

The rules in Part 395 set forth requirements for training programs for long-term care assistants and aides. The Department is amending the rules to reflect changes in federal regulations and to implement changes in the Department's operation of the program.

Section 395.100 - Statutory citations are being updated to reference the 1991 Illinois Revised Statutes.

Section 395.110 - Application procedures for initial program approval are being amended to delete the requirements for a separate application for each program site. The length of time provided for application review is being increased from sixty to ninety days prior to the scheduled beginning of the training program. Requirements for the master schedule for the training program are amended to include daily hours of theory and clinical instruction and identification of the approved evaluator. Approved evaluators will be instructors who are trained by the Department to evaluate manual skills. A reference to federal requirements at 42 CFR 483.151 is being added. The federal regulation states that a state may not approve a nurse aide training and competency evaluation program or competency evaluation program offered by or in a facility that, in the previous two years, has been assessed a civil penalty of not less than \$5000 or has operated under waivers of the Social Security Act specified in subsections 483.151(b)(2)(i-v).

Section 395.130 - Renewal of program approval is being changed from annually to at least every other year. This change will ease the program review process for Department staff and will correspond to the time period in federal regulations.

Section 395.140 - The reference to a "program approval year" is being changed to a "program approval period" to correspond to the change in the program review process in Section 395.130.

Section 395.150 - In accordance with federal requirements, five content areas are being added in which 16 hours of training must be conducted prior to any direct contact with a resident.

Section 395.160 - Requirements for instructors in a basic nursing assistant program or a basic child care/habilitation aide training program are being changed to require two years' nursing experience and to require one year, rather than two years, of experience in the areas listed in subsections (a)(1)(A) and (B). These changes will correspond to federal regulations at 42 CFR 483.152. Experience in care for the elderly or chronically ill in a hospice or swing bed unit of a hospital has been added to broaden the types of nursing experience that will fulfill the experience requirements. This Section is also being modified to reflect that the Train the Trainer program will no longer be conducted by the Department. The Department is in the process of developing a model training

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program and approval criteria. The experience required providing services for patients with Alzheimer's disease has been decreased from two years to one year. Provisions for supplemental Instructors have been added in accordance with federal regulations at 42 CFR 483.152.

Section 395.170 - The rule is being amended to require that an approved evaluator conduct the manual skills competency evaluation. In addition, approved evaluators employed by a facility may not evaluate students trained by the facility program.

Section 395.175 - In response to comments received during the first notice period, program notification requirements were placed in a separate section to clarify that the requirements apply to all training programs. Program sponsors will be required to submit within 30 days of program completion a list of trainees who demonstrate competency in the theory and skills taught. Certificates will no longer be required to be submitted to the Department.

Section 395.180 - Department monitoring activities will no longer include an on-site visit during the first year of operation of a training program. Visits will be conducted prior to approval or renewal or at least every two years. Failure to comply with the requirements of 42 CFR 483.151(b)(2)(i-v) will result in action to suspend or revoke program approval.

Section 395.190 - References to federal requirements at 42 CFR 483.151(b)(2)(i-v) are being added.

Section 395.200 - Section 395.200 is being repealed. Rules governing the individualized course of instruction, which prepares a nurse aide to take the proficiency examination, are optional under Section 3-206 of the Nursing Home Care Act

Section 395.300 - The curriculum requirements for the basic nursing assistant training program are being amended to add a unit of instruction in the Heimlich maneuver.

Section 395.400 - The Department is amending Section 395.400 to streamline procedures for the proficiency examination authorized by Section 3-206 of the Nursing Home Care Act, which states that any person who is or will be employed as a nurse aide, orderly or nurse technician in a facility may elect to take a proficiency examination. Since the Department only receives about 50 requests per year for proficiency testing, the Department will no longer administer a proficiency test but will use the same test used for competency testing of aides who have taken the training course. The written portion of the test is administered by Southern Illinois University at community colleges throughout the State. The University provides information on when and where tests are administered. The manual skills portion of the test will be administered by the Department at a time mutually convenient to the applicant and the Department. The time period within which the proficiency examination must be taken is being changed to correspond to the repeal of the provisions governing an individualized course of instruction in Section 395.200. Under Section 3-206 of the Act, a person must begin a training course within 45 days of initial

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employment. Persons who successfully complete the proficiency test are not required to take the course.

- 16) Information and Questions regarding this Adopted Rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761, 217/782-6187.

The full text of the Adopted Amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 77: PUBLIC HEALTH

CHAPTER I: DEPARTMENT OF PUBLIC HEALTH

SUBCHAPTER C: LONG-TERM CARE FACILITIES

PART 395

LONG-TERM CARE ASSISTANTS AND AIDES TRAINING PROGRAMS CODE

SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

Section
395.100
395.110
395.120
395.130
395.140
395.150
395.160
395.170
395.175
395.180
395.190
395.200

Program Sponsor
Application for Initial Program Approval
Application Review Process
~~Annual~~ Renewal of Program Approval
Inactive Status
Timeframe Requirements
Instructor Requirements
Basic Nursing Assistant Training Program Operation Requirements
Program Notification Requirements
Department Monitoring
Denial, Suspension, and Revocation of Program Approval
Other Programs Conducted by Facilities (Repealed)

SUBPART B: TRAINING PROGRAM CURRICULA REQUIREMENTS

Section
395.300
395.310
395.320

Basic Nursing Assistant Training Program
Developmental Disabilities Aide Training Program
Basic Child Care/Habilitation Aide Training Program

SUBPART C: PROFICIENCY EXAMINATION

Section
395.400

Proficiency Examination

AUTHORITY: Implementing and authorized by the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, par. 4151-101 et seq.).

SOURCE: Adopted at 13 Ill. Reg. 19474, effective December 1, 1989; amended at 17 Ill. Reg. 2984, effective February 22, 1993.

SUBPART A: PROGRAM APPLICATION AND APPROVAL PROCESS

Section 395.100 Program Sponsor

Training program sponsors may be any one of the following:

- a) A community college or other public school operated by the state of Illinois or unit of local government.
- b) A private vocational or business school as defined in the Private

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- Business and Vocational Schools Act (Ill. Rev. Stat. 1987 1991, ch. 144, par. 136 et seq.), which holds a valid certificate of approval issued by the State Board of Education under rules entitled "Private Business and Vocational Schools" (23 Ill. Adm. Code 451).
- c) A facility licensed by the Department of Public Health (Department) under the Nursing Home Care Act (Ill. Rev. Stat. 1987 1991, ch. 111 1/2, par. 4151-101 et seq.) ~~as amended by P.A.-85-11037--effective August--19,--1988;--and--P.A.-85-1370--effective-September-17-1988~~ or under the Hospital Licensing Act (Ill. Rev. Stat. 1987 1991, ch. 111 1/2, par. 142 et seq.).

(Source: Amended at 17 Ill. Reg. 2984, effective February 22, 1993.)

Section 395.110 Application for Initial Program Approval

- a) The program sponsor shall submit ~~a~~ a separate application for initial program approval for each training program ~~and-for-each-program-site~~.
- b) The program sponsor shall submit an application for initial program approval to the ~~Department--of--Public-Health--(Department)~~ at least ninety ~~sixty~~ days in advance of the scheduled beginning of the training program. The program sponsor shall not offer the training program prior to receipt of written approval ~~of-the-program~~ from the Department. The Department will not grant retroactive approval of training programs.
- c) The application for program approval shall include at least the following information about the proposed program:

- 1) A statement of whether the training program being proposed is
 - a)
 - A) Basic Nursing Assistant Training Program,
 - B) Developmental Disabilities Aide Training Program, or
 - C) Basic Child Care/Habilitation Aide Training Program.
 - 2) A description of the program sponsor. If the program sponsor is a private business or vocational school, a copy of the sponsor's certificate of approval issued by the State Board of Education shall be included.
 - 3) A statement of the program rationale, including the philosophy and purpose of the program.
 - 4) An outline containing the methodology, content, and objectives for the training program.
 - A) The outline shall indicate the number of hours that will be dedicated to each component of the training program. This outline shall not preclude the instructor from varying the order of presentation of the outlined course components.
 - B) The outline shall address each of the required curricula content requirements contained in Section 395.300 (Basic Nursing Assistant Training Program), Section 395.310 (Developmental Disabilities Aides Training Program), or Section 395.320 (Basic Child Care/Habilitation Aide Training

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- Program).
- 5) A master schedule or calendar for the training program, which ~~shall include~~ includes at least the following:
 - A) The location, classroom designation, and scheduled dates of the training program.
 - B) The allocation of the daily and total hours of instruction between theory and clinical instruction.
 - C) Identification of theory and clinical ~~practice--instructors~~ instructor(s) and approved evaluator, ~~content--determined-by~~ hour, and whether the instruction ~~for--each--hour~~ is theoretical or clinical.
 - 6) Resumes describing the education, experience, and qualifications of each program instructor.
 - 7) Any clinical site agreements for the use of facilities and equipment which ~~is~~ are not owned or operated by the program sponsor. Such agreements shall be signed by the owner or operator of the facilities or equipment and shall include the dates such facilities or equipment will be used, and a description of the classrooms, laboratory, clinical training equipment, and any other facilities or equipment which will be used in the program.
 - 8) A copy of the evaluation tools that will be used to evaluate the following aspects of the training program:
 - A) Training program objectives and methodology.
 - B) Training program content (final program exam).
 - C) Clinical performance, if in addition to the State-approved manual skills evaluation developed from the curriculum outlined in Section 395.300.
 - D) Training program instructors.
 - d) The program sponsor shall submit the application for initial approval of a training program to the Department at the following address:

Illinois Department of Public Health
Office of Health Care Regulation
Education and Training Section
525 West Jefferson Street
Springfield, Illinois 62761

Applications for approval of Developmental Disabilities Aide Training Programs shall be submitted to the Department of Mental Health and Developmental Disabilities at the following address:

Illinois Department of Mental Health and Developmental Disabilities
Division of Developmental Disabilities
Wm. G. Stratton Building, Room 405
Springfield, Illinois 62761
 - e) No changes will be required in the program content of any training program, which was approved under rules in effect at the time of the adoption of amended rules, until a review by the Department indicates that revisions to the program content are needed to keep the program in compliance with the amended rules.

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(Source: Amended at 17 Ill. Reg. 2984, effective February 22, 1993.)

Section 395.120 Application Review Process

- a) Each application for initial program approval of a Basic Nursing Assistant or Basic Child Care/Habilitation Aide Training Program will be reviewed by the Department. ~~Comments--and--recommendations--from the~~ Department of Mental Health and Developmental Disabilities will review and either approve or disapprove regarding applications in approval-of Developmental Disabilities Aide Training Programs in accordance with the requirements set forth in this Part. ~~will be considered-by-the-Department.~~
- b) The Department will evaluate the application and proposed program for conformance to the program requirements contained in this Part. Based on this review, the Department will take one of the following actions regarding the application:

- 1) Grant approval of the proposed program.
 - 2) Grant approval of the proposed program contingent on the receipt of additional materials, or revisions, needed to remedy any minor deficiencies in the application or proposed program, which would not prevent the program from being implemented, such as deficiencies in the number of hours assigned to cover different areas of content, which can be corrected by submitting a revised schedule or outline.
 - 3) Deny approval of the proposed program based on major deficiencies in the application or proposed program, which would prevent the program from being implemented, such as deficiencies in the qualifications of instructors or missing areas of content.
- c) When the Department finds that an application or proposed program fails to comply with the program requirements contained in this Part or 42 CFR 483.151(b)(2)(i-v) (56 FR 48919, September 26, 1991, no further editions or amendments included), the Department will notify the sponsor in writing of the nature of the deficiencies, and will request additional materials, or revisions, needed to remedy deficiencies in the application or proposed program.
- d) When the Department finds that an application and proposed program, along with any additional materials and revisions which have been submitted, complies with the program requirements contained in this Part, the Department will issue a written notice of program approval to the program sponsor.
- e) The Department will issue an identification number to each approved training program. The sponsor shall reference that number in any correspondence to the Department about the program.

(Source: Amended at 17 Ill. Reg. 2984, effective February 22, 1993.)

Section 395.130 Annual Renewal of Program Approval

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- a) ~~Each year--the~~ The Department will review each approved training program for renewal of the program approval at least every other year.
- b) The program renewal review shall include consideration of each of the following:

- 1) The master schedule for the program as outlined in Section 395.110(c)(5)-i;
 - 2) Any clinical site agreements as outlined in Section 395.110(c)(7)-i;
 - 3) Any other information required in Section 395.110(c) which has changed since the Department granted initial program approval or since the previous renewal of the program approval-;
 - 4) Compliance with 42 CFR 483.151(b)(2)(i-v);
 - 5) On-site monitor visit report.
- c) The Department of Mental Health and Developmental Disabilities will review and either approve or disapprove applications for program renewal ~~and--will--recommend--to-the-Department--continued-approval-or disapproval of~~ Developmental Disabilities Aide Training Programs in accordance with the requirements of this Part.

(Source: Amended at 17 Ill. Reg. 2984, effective February 22, 1993.)

Section 395.140 Inactive Status

- a) The Department shall place an approved program on inactive status upon receipt of a written request from the program sponsor for such action. Absence of program activity during the program approval period year shall also result in placement of a program on inactive status.
- b) To return an approved program to active status, the sponsor of the program shall submit a written request to the Department.
- 1) The request for return to active status shall include the master schedule for the program and each of the other items required for a request for program renewal under Section 395.130(b).
 - 2) The request for return to active status must be submitted no less than 60 days prior to the scheduled beginning of the program.

(Source: Amended at 17 Ill. Reg. 2984, effective February 22, 1993.)

Section 395.150 Timeframe Requirements

- a) Timeframe requirements for Basic Nursing Assistant Training Programs
- 1) Each program shall include a minimum of 120 hours of instruction, excluding breaks, lunch, and any orientation to the specific policies of the employing facility. A program may include a maximum of 155 hours of instruction.
 - 2) The basic program content shall be presented in a minimum timeframe of three weeks, but cannot exceed 120 days, unless the training program is conducted by a community college or other

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educational institution on a term, semester, or trimester basis.

3) There shall be a ratio of two hours of theory, including supervised laboratory, to each hour of supervised clinical practice instruction. This ratio applies only to the required 120 hours of instruction.

4) A minimum of 12 hours of instruction related to Alzheimer's disease and related dementias, as described in Section 395.300(r) through (z), shall be included in each program, excluding breaks, lunch, and any orientation to the specific policies of the employing facility.

5) A minimum of 16 hours of training in the following areas must be conducted prior to any direct contact with a resident (42 CFR 483.152(a)(3-6)):

- A) Communication and interpersonal skills;
- B) Infection Control;
- C) Safety/emergency procedures, including the Heimlich maneuver;
- D) Promoting residents' independence; and
- E) Promoting residents' rights.

b) Timeframe requirements for Developmental Disabilities Aide Training Programs and Basic Child Care/Habilitation Aide Training Programs

1) Each program shall include a minimum of 120 hours of instruction, excluding breaks, lunch, and any orientation to the specific policies of the employing facility. A program may include a maximum of 155 hours of instruction.

2) The basic program content shall be presented in a minimum timeframe of three weeks, but cannot exceed 120 days, unless the training program is conducted by a community college or other educational institution on a term, semester, or trimester basis.

3) There shall be a ratio of two hours of theory, including supervised laboratory, to each hour of supervised clinical practice instruction. This ratio applies only to the minimum required 120 hours of instruction.

(Source: Amended at 17 Ill. Reg. 2984, effective February 22, 1993)

Section 395.160 Instructor Requirements

a) Requirements for Instructors in a Basic Nursing Assistant Program or a Basic Child Care/Habilitation Aide Training Program

1) Each course instructor shall be a registered nurse with a minimum of two years nursing experience and a current Illinois license, who has no other duties while engaged in the training program. After January 17, 1997, instructors shall be required to have one two-years year of experience as a registered nurse in one or both of the following areas:

- A) Teaching an accredited nurse training program approved-Basic Nursing Assistant Program or Basic Child Care/Habilitation

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~~Aide--training Program--between July 17, 1985, and January 17, 1990.~~

B) Caring for the elderly or for the chronically ill of any age through employment in a nursing facility, extended care unit, geriatrics department, chronic care unit, hospice, swing bed unit of a hospital, or other long-term care setting.

2) Each course instructor shall also possess at least one of the following qualifications:

- A) A valid Illinois teaching certificate (not a provisional certificate).
- B) A ~~train--the--trainer~~ Train the Trainer certificate indicating ~~issued--by--the--Department--as--proof--of completion of a~~ Department approved train the trainer workshop/program Workshop.
- C) Evidence of at least one semester of formal teaching experience.
- D) College coursework during the previous six years which includes at least one course in teaching/learning principles, curriculum development, teaching methods, or and instructional techniques.

b) Requirements for Instructors of the Alzheimer's Disease and Related Dementias Portions of a Basic Nursing Assistant Program

1) Each instructor shall be a registered nurse with a current Illinois license, who has no other duties while engaged in the training program.

2) Each instructor shall also possess at least one of the following qualifications:

- A) At least one two-years year of experience providing services for patients with Alzheimer's disease and related dementias and at least one semester of formal teaching experience.
- B) Documentation of completion of a specialized workshop, course, seminar or other training for instruction in Alzheimer's disease and related dementias (see Section 395.300 (r) through (z)).

c) Requirements for Instructors in a Developmental Disabilities Aide Training Program

1) The curriculum coordinator must be a qualified mental retardation professional as defined at 77 Ill. Adm. Code 350.330.

2) Each program instructor shall meet at least one of the following:

- A) Verification of successful completion of a train the trainer workshop approved by the Department of Mental Health and Developmental Disabilities;
- B) A Qualified Mental Retardation Professional approved as a trainer by the Department of Mental Health and Developmental Disabilities;
- C) At least one year of experience with developmental disabilities programs and approved by the Department of

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- Mental Health and Developmental Disabilities--
 D) Have a valid Illinois teaching certificate;
 E) Be a community college or college instructor with at least one year of teaching experience;
 F) College coursework during the previous six years which includes teaching/learning principles, curriculum development, teaching methods, and instructional techniques.
- d) Supplemental Instructors (Special Content Instructor) in a Basic Nursing Assistant Program must have at least one year experience in their fields of expertise. These would include, but not be limited to, registered nurses, licensed practical nurses, pharmacists, dietitians, social workers, sanitarians, fire safety experts, nursing home administrators, gerontologists, psychologists, physical and occupational therapists, activities specialists, speech/language/hearing therapists, and resident rights experts. (42 CFR 483.152(a)(5)(iv))

(Source: Amended at 17 Ill. Reg. 2984, effective February 22, 1993)

Section 395.170 Basic Nursing Assistant Training Program Operation Requirements

- a) Ten working days prior to the start of the actual training program, an updated master schedule shall be submitted to the Department.
 b) Any change in program content, objectives, or instructors shall be submitted to the Department at least thirty days prior to program delivery.
 c) The program shall require each student to show competency of Department approved manual basic skills by hands-on return demonstration, as well as the successful completion of a written examination encompassing theory and skills taught. The manual skills competency evaluation shall be conducted by an approved evaluator. Approved evaluators employed by a facility may not evaluate students trained by the facility program.
 d) The program sponsor shall submit a certificate for each trainee who proves competency in the theory and skills taught in the program. The certificate for each successful trainee shall include the following information:--
 1) Name and Social Security number of the trainee;
 2) Identification number of the training program;
 3) A statement that the individual has completed the Basic Nursing Assistant training program; or Basic Child Care/Habilitation Aide training program;
 4) Program completion date;
 5) Signature of the program instructor;-- (Any additional signatures are optional);
 e) In addition to certificates, the sponsor shall submit to the

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- Department--a--composite--list--displaying--the--following--information--regarding--each--trainee:--
 1) Name, home address, and Social Security number;
 2) Program approval number and program completion date;
 the--Department--will--return--the--certificates--to--the--sponsoring--organization--for--distribution--to--the--trainees;
 f) Successful completion of a training program does not imply certification of the nursing assistant by the State. Successful completion of a training program only indicates that the person has completed the training program and can be employed by a licensed long-term care facility;
 g) Program completion date;

(Source: Amended at 17 Ill. Reg. 2984, effective February 22, 1993)

Section 395.175 Program Notification Requirements

The program sponsor shall submit, within 30 days after program completion, a list of all trainees who demonstrate competency in the theory and skills taught in the program. The list shall include the following information:

- a) Name, complete home address and Social Security number of the trainee;
 b) Identification number of the training program;
 c) A statement that the individual has completed the Basic Nursing Assistant Training Program and documented completion of the State approved manual skills competency evaluation, or a Developmental Disabilities Aide Training Program, or Basic Child Care/Habilitation Aide Training Program;
 d) Program completion date;
 e) Signature of the program instructor and approved evaluator, when appropriate. (Any additional signatures are optional.)

(Source: Added at 17 Ill. Reg. 2984, effective February 22, 1993)

Section 395.180 Department Monitoring

- a) The Department will monitor the operation of approved training programs through on-site visits and other monitoring activities, such as written inquiries, reviews of success rates on competency examinations, and questionnaires. The Department will conduct an on-site visit during the first year of the operation of each newly approved training program. The Department will conduct on-site visits prior to approval, or renewal, or at least every two years for all training programs. The proportion of the training program's students who successfully complete the competency evaluation will be considered by the Department in determining the need for on-site visits and other monitoring activities.
 b) When the Department determines that the program fails to comply with any of the program requirements contained in this Part or 42 CFR

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483.151(b)(2)(i-v), the Department will initiate action to suspend or revoke the program approval in accordance with Section 395.190.

(Source: Amended at 17 Ill. Reg. 2984, effective February 22, 1993.)

Section 395.190 Denial, Suspension, and Revocation of Program Approval

- a) When the Department finds that an application or proposed program, along with any additional information and revisions which are submitted, fails to comply with the program requirements contained in this Part or 42 CFR 483.151(b)(2)(i-v), the Department will notify the sponsor in writing of denial of program approval. The notice to the sponsor shall state the reasons for the denial and the right of the sponsor to appeal the denial and to a hearing before the Department.
- b) When the Department, upon evaluation or during monitoring, finds that an approved program does not comply with the program requirements contained in this Part or 42 CFR 483.151(b)(2)(i-v), the Department will notify the sponsor in writing of the finding of non-compliance of the program and the reasons for the finding.
- c) When the Department finds that any conditions stated in the written notice of non-compliance issued under subsection (b) of this Section have not been corrected within thirty days after the date of issuance of such notice, the Department will revoke or suspend its approval of the program.

1) The Department shall suspend approval when the program fails to substantially comply with the approved program plan during the operation of the program. Substantial failure to comply with the approved program plan includes program instruction being conducted contrary to the master schedule, contrary to the approved content, by an individual other than the approved instructor, or at a location other than the approved site or sites.

2) The Department will revoke approval when an approved program fails to comply with the program requirements of this Part or 42 CFR 483.151(b)(2)(i-v).

3) When the approval of a program has been suspended or revoked for reasons other than 42 CFR 483.151(b)(2)(i-v), the program sponsor shall have a right to appeal the suspension or revocation and to a hearing before the Department.

d) When the approval of a program has been denied, suspended, or revoked, for reasons other than 42 CFR 483.151(b)(2)(i-v), the program sponsor may submit a written appeal of the action and request for a hearing within ten days after notification of the decision to deny, revoke or suspend approval.

e) All hearings under this Part shall be conducted in accordance with the Department's "Rules of Practice and Procedures" in Administrative Hearings" (77 Ill. Adm. Code 100).

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(Source: Amended at 17 Ill. Reg. 2984, effective February 22, 1993.)

Section 395.200 Other Programs Conducted by Facilities (Repealed)

a) Any licensed long-term care facility may conduct a training program for nursing assistants which can be individualized for each employee. Such training programs may be taught by any person or persons in the facility.

b) Any licensed long-term care facility which conducts a training program for nursing assistants shall notify the Department in writing. The notice to the Department must describe the content of the training program, designate the training instructor, and indicate when the training will be conducted.

c) Any nursing assistant who attends a training program conducted by a facility must successfully pass the Department's proficiency examination before being permitted to function as a nursing assistant.

(Source: Repealed at 17 Ill. Reg. 2984, effective February 22, 1993.)

SUBPART B: TRAINING PROGRAM CURRICULA REQUIREMENTS

Section 395.300 Basic Nursing Assistant Training Program

The Basic Nursing Assistant Training Program shall include, at a minimum, the following:

a) Module I -- Introduction to Health Care Systems
1) Functions of health care facilities. Objectives: Upon completion of this unit of instruction, the student will be able to:

A) differentiate between the hospital, long term care facility, and home health aide programs as to their basic purposes and what each expects of the nursing assistant;

B) define the functions of the nursing assistant and be aware of the ethical implications and the legal limitations; and
C) develop a beginning understanding and appreciation of the responsibility of the nursing assistant as a member of the health care team.

2) Home Health Agencies and the health care professions.

Objectives: Upon completion of this unit of instruction, the student will be able to:

A) discuss the purpose and organization of a home health agency;

B) identify the members of the home health care team and their respective tasks; and

C) apply learned basic nursing procedures to the home setting making appropriate modifications.

3) Philosophy of patient care. Objectives: Upon completion of this

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unit of instruction, the student will be able to:

- A) understand the uniqueness and reward of caring for the geriatric patient;
- B) demonstrate an awareness of the ethics involved in the position; and
- C) develop an understanding of the patient-family relationship.

4) The role of the multidisciplinary health care team.

Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) define the role of the nursing assistant in the long-term care facility;
- B) identify and discuss roles of the multidisciplinary team and the integration of services for the total care of the patient; and
- C) identify the "chain of command" in the organizational structure of a long-term care facility.

5) Personal qualities of the nursing assistant. Objectives: Upon completion of this unit of instruction, the student will meet expectations of facilities by being able to:

- A) meet standards of appearance and general behavior;
- B) be aware of the importance of punctuality and confidentiality; and
- C) demonstrate an awareness of the empathy and compassion, particularly to the elderly.

6) Duties of the nurse assistant. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) develop an understanding of nursing assistant duties;
- B) develop an understanding of the why's of patient care, such as infection control, safety, and residents' rights; and
- C) define the functions of the nursing assistant and be aware of legal implications.

7) Medical terminology. Objectives: Upon completion of this unit of instruction, the student will meet expectations of facilities by being able to:

- A) develop an awareness of the very basic abbreviations and symbols utilized in medical terminology; and
- B) meet the written standards for charting on the medical record.

8) Recording. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) demonstrate an awareness of the principles of accurate observation and recording; and
- B) discuss the various forms utilized in the medical record system.

b) Module II -- Introduction to the patient.

1) Resident Rights. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) provide privacy and maintenance of confidentiality;
- B) assist residents to make personal choices to accommodate

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- C) maintain reasonable care of the personal possessions of their individual needs; and residents.

2) Communication and interpersonal relationships with patients, families and others. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) develop an awareness of appropriate communication between staff/patients, staff/families, families/patient, staff/staff;
- B) develop communication techniques; and
- C) demonstrate the ability to understand verbal and nonverbal communication.

3) Psychological needs of patient and family. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) develop an awareness of sensitivity to the patient's need for feelings of self-worth;
- B) demonstrate the ability to listen; and
- C) understand the necessity to develop and maintain harmony between patient and family.

4) Normal growth and development. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) list and describe various priorities of need of residents;
- B) describe the continuum of life cycle; and
- C) develop an awareness of normalcy and deviations.

c) Module III -- Your working environment.

1) Cleanliness in the health care setting and patient homes. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) define the principles of medical asepsis;
- B) demonstrate an awareness of the importance of cleanliness in health care institutions; and
- C) demonstrate the ability to modify medical asepsis technique for the home setting.

2) Principles of handwashing. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) discuss the need for handwashing before and after each task and before and after direct patient contact;
- B) demonstrate that an understanding of a good handwashing technique will prevent the spread of disease; and
- C) demonstrate the ability to wash hands using the learned technique.

3) Principles of disinfection. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) List the methods of disinfection;
- B) demonstrate an awareness of handling disinfected articles; and
- C) differentiate between "clean" and "dirty."

4) Principles of sterilization. Objectives: Upon completion of

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this unit of instruction, the student will be able to:

- A) explain the relationship between microorganisms and infection control;ⁱ

- B) list the conditions necessary for microorganism growth;ⁱ and

- C) develop an awareness of the process of killing all bacteria.

- 5) Techniques of disinfection. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) discuss the various methods of disinfecting;ⁱ

- B) develop an awareness of relevant time necessary for disinfection;ⁱ and

- C) list articles that can be **safely** safely disinfected.

- 6) Maintaining equipment and supplies. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) develop an understanding of the proper usage of equipment used in the personal/nursing care of residents;ⁱ

- B) demonstrate proper usage, cleaning and storing of equipment;ⁱ and

- C) develop an awareness of the reporting system relevant to proper maintenance of equipment.

- d) Module IV -- Safety.

- 1) Body mechanics. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) discuss techniques of proper body mechanics;ⁱ

- B) demonstrate good body mechanics for the benefit of the patient and nursing assistant;ⁱ and

- C) relate use of body mechanics to basic musculo-skeletal anatomy.

- 2) Fire safety. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) identify potential fire hazards;ⁱ

- B) identify and apply facility's procedures for safety, fire and disaster;ⁱ and

- C) state his/her role in facility's fire and disaster plan.

- 3) Disaster. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) identify designated supervisory personnel in the event of disaster;ⁱ

- B) develop an understanding of the disaster manual;ⁱ and

- C) state his/her role in facility's safety, fire and disaster plan.

- 4) Heimlich maneuver. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) list signs of choking; and

- B) demonstrate the Heimlich maneuver.

- e) Module V -- The patient's unit. Bedmaking procedures (unoccupied and occupied). Objectives: Upon completion of this unit of instruction, the student will be able to:

- 1) identify the patient's need for a clean and comfortable environment;ⁱ

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- 2) identify the purpose of the procedure for making the unoccupied and occupied bed;ⁱ and

- 3) demonstrate proper bedmaking procedure.

- f) Module VI -- Lifting, moving and transporting patients. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) describe briefly the musculo-skeletal system;ⁱ

- B) realize needs for motion in joints and muscle activity;ⁱ and

- C) maintain correct body alignment.

- 2) Ambulatory. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) safely ambulate patients;ⁱ

- B) demonstrate proper body mechanics;ⁱ and

- C) develop an awareness of the physical ability of each patient.

- 3) Wheelchair. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) apply safety principles involved in transporting patient in wheelchair;ⁱ

- B) demonstrate proper body mechanics;ⁱ and

- C) provide for privacy when transferring the patient from bed to wheelchair.

- 4) Stretcher. Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) identify and apply rules for safety for patient transfer;ⁱ

- B) demonstrate good body mechanics;ⁱ and

- C) provide for privacy when transferring the patient from bed to stretcher.

- g) Module VII -- Basic Anatomy.

- 1) Contents:

- A) Anatomy of the Skeletal System;ⁱ

- B) Anatomy of the Circulatory System;ⁱ

- C) Anatomy of the Digestive System;ⁱ

- D) Anatomy of the Respiratory System;ⁱ

- E) Anatomy of the Urinary System;ⁱ

- F) Anatomy of the Muscular System;ⁱ and

- G) Functioning of the human body as related to the disease process.

- 2) Objectives: Upon completion of this unit of instruction, the student will be able to:

- A) develop an understanding of human anatomy and its relationship to normal function;ⁱ

- B) identify and discuss simple disease processes;ⁱ and

- C) explain how body systems work together.

- h) Module VIII -- Personal care of the patient.

- 1) Contents:

- A) Oral hygiene;ⁱ

- B) Bathing procedures;ⁱ

- C) Care of the back feet and skin;ⁱ and

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- D) Observing and reporting.
- 2) Objectives: Upon completion of this unit of instruction, the student will be able to:
- identify basic human needs (physical, emotional, social and religious) of the patient;
 - demonstrate the ability to recognize basic human needs in patient behavior;
 - demonstrate proper medical asepsis technique;
 - demonstrate methods to detect incipient or manifest decubitus ulcers;
 - demonstrate measures to prevent decubitus ulcers, such as proper positioning and turning;
 - identify the patient's need for a clean environment; and
 - observe and report care given.
- i) Module IX -- Nutrition.
- Diets and therapeutic diets. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - describe briefly the use of basic nutrients and fluids by the body;
 - list the basic four groups and name daily requirements of each; and
 - identify modified diets and understand the reasons for modification.
 - Feeding techniques. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - describe briefly the anatomy of digestion;
 - develop an awareness of the patient's eating limitations; and
 - serve and assist patient with feeding.
 - Nourishments. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - develop an understanding of intermittent nourishments and dietary supplements;
 - demonstrate the ability to properly distribute nourishments; and
 - accurately report and record diet and fluid intake.
- j) Module X -- Fluid balance.
- Measuring fluid intake and output. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - describe briefly the anatomy of elimination;
 - demonstrate the ability to measure intake and output; and
 - accurately report and record intake and output.
 - Forcing and restricting fluids. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - identify problems associated with bowel and bladder management;
 - develop an understanding of fluid balance in the body; and
 - accurately report and record patient's fluid intake.
 - Specimen collection. Objectives: Upon completion of this unit

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- of instruction, the student will be able to:
- describe briefly the anatomy related to body discharge and elimination;
 - demonstrate how to collect stool, urine, and other specimens; and
 - accurately report and record urinary, fecal, and other output.
- k) Module XI -- Observing and recording vital signs.
- Contents:
 - Taking the temperature;
 - Taking pulse;
 - Taking respirations;
 - Taking blood pressure;
 - Recording vital signs; and
 - Measuring height and weight.
 - Objectives: Upon completion of this unit of instruction, the student will be able to:
 - state the meaning and importance of temperature, pulse, respirations, and blood pressure;
 - demonstrate how to properly measure temperature, pulse, respirations, and blood pressure;
 - accurately report and record temperature, pulse, respirations, and blood pressure; and
 - demonstrate how to accurately measure and record height and weight.
- l) Module XII -- Supportive care.
- Heat applications. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - describe the various methods of heat application;
 - demonstrate the use of safety measures involved in applying hot applications; and
 - report and record treatment given.
 - Cold applications. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - describe the various methods of cold application;
 - demonstrate the use and safety measures involved in applying cold applications; and
 - report and record treatment given.
 - Enemas. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - describe briefly the anatomy of elimination;
 - demonstrate how to administer an enema; and
 - accurately report and record the procedures and results.
 - The vaginal douche - external and internal. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - describe briefly the anatomy of the reproductive system;
 - demonstrate the procedure of administering an external and internal douche; and

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- C) accurately report and record the procedure.
- 5) Catheters and tubing. Objectives: Upon completion of this unit of instruction, the student will be able to:
- develop a basic understanding of the use of catheters and tubing;
 - discuss the use of specific catheters and tubing; and
 - develop an understanding of the maintenance and storage of catheters and tubing.
- m) Module XIII -- Fundamentals of Rehabilitation Nursing.
- Philosophy of rehabilitation nursing. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - discuss the intrinsic worth of affected persons;
 - develop a beginning understanding of the fundamentals of rehabilitation; and
 - identify methods of treating the whole patient for restoration of function.
 - Principles of rehabilitation nursing. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - demonstrate an understanding of the concepts of rehabilitation nursing;
 - identify the four cardinal principles of rehabilitation nursing; and
 - develop an awareness of the treatment process of rehabilitation as well as the legal implications.
 - Concepts of activities of daily living. Objectives: Upon completion of this unit of instruction, the student will be able to:
 - describe and discuss the use of adaptive tools for the disabled person;
 - develop an awareness of sensitivity to the patient's need for feelings of self-esteem; and
 - motivate the patient to work toward independence and self-care.
- n) Module XIV -- Patient care planning.
- Contents:
 - Patient admission;
 - Patient transfer; and
 - Patient discharge.
 - Objectives: Upon completion of this unit of instruction, the student will be able to:
 - be aware of the emotional implications of admission, transfer, and discharge;
 - demonstrate the procedures for admission, transfer, and discharge; and
 - observe, report, and record accurately.
- o) Module XV -- The patient in isolation.
- Isolation techniques. Objectives: Upon completion of this unit

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- of instruction, the student will be able to:
- discuss communicable diseases and the nature of isolation techniques;
 - differentiate between "clean" and "dirty"; and
 - discuss the difference between regular and reverse isolation procedures.
- 2) Physiological aspects of isolation. Objectives: Upon completion of this unit of instruction, the student will be able to:
- demonstrate isolation precautions and procedures;
 - demonstrate isolation procedures including handwashing, masking, gowning, food and elimination precautions; and
 - accurately report and record isolation procedures.
- 3) Psychological aspects of isolation. Objectives: Upon completion of this unit of instruction, the student will be able to:
- be aware and empathetic to the patient's fear and loneliness;
 - identify untoward behavior of the isolated patient; and
 - accurately observe and record patient's emotional reaction to the isolation process.
- 4) Isolation in the home. Objectives: Upon completion of this unit of instruction, the student will be able to:
- apply learned isolation techniques making necessary modifications for home care;
 - communicate effectively with the patient and family relevant to the isolation process; and
 - accurately observe, report, and record the isolation techniques.
- p) Module XVI -- Care of the terminally ill patient.
- Contents:
 - Psychological needs of the patient; and
 - Psychological needs of the family.
 - Objectives: Upon completion of this unit of instruction, the student will be able to:
 - identify and describe the rights of the dying patient and his/her family;
 - discuss attitudes and feelings about death and dying;
 - describe the physical and psychological changes in the patient as death approaches; and
 - discuss the grieving process of the patient and family.
- q) Module XVII -- Care of the body (postmortem care). Objectives: Upon completion of this unit of instruction, the student will be able to:
- develop an awareness for respect for the body after death occurs;
 - develop an understanding for good body alignment after death; and
 - demonstrate nursing care after death.
- r) Module XVIII -- Aging and Dementia. Objectives: Upon completion of this unit of instruction, the student will be able to:
- Identify the differences between the normal aging process and

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- cognitive dysfunction disease processes-; and
 2) Define dementia and pseudo-dementia-;:
 A) Reversible; and
 B) Non-reversible-;
- 3) List the common terminology used to describe different types of dementia-;:
 A) Alzheimer's disease (AD);
 B) Senile Dementia of the Alzheimer's Type (SDAT);
 C) Multi Infarct Dementia (MID); and
 D) Organic Brain Syndrome (OBS);
- 4) Discuss how dementias are currently diagnosed.
- s) Module XIX -- Alzheimer's Disease and Related Disorders (RD).
 Objectives: Upon completion of this unit of instruction, the student will be able to:
 1) Identify the potential health, social and economic impacts of AD and RD-;
 A) Society;
 B) Family; and
 C) Individual.
- 2) List the primary signs, symptoms and associated features of AD and RD.
- 3) Discuss memory loss, sensory impairments, perceptual dysfunction, and cognitive and physical changes normally associated with AD and RD.
- t) Module XX -- Communications. Objectives: Upon completion of this unit of instruction, the student will be able to:
 1) Identify the elements of verbal/nonverbal communication between staff/resident-;
 2) Discuss the expected language and communication changes in AD and RD residents-;
 3) Identify effective techniques for enhancing communications-; and
 4) Discuss the importance of touch and companionship to the AD and RD resident.
- u) Module XXI -- Care and Treatment Modalities. Objectives: Upon completion of this unit of instruction, the student will be able to:
 1) Discuss the inter-disciplinary nature of treatment in the care of AD and RD residents-;
 2) Identify the importance of observation and ways to monitor the behavior and safety of the AD and RD resident-;
 3) Identify the importance of: consistency in approach; focusing on ability; task breakdown techniques; cueing and distraction techniques-;
 4) Discuss the difference in approaching activities of daily living (ADL), such as dressing, bathing, grooming, oral hygiene, bowel, bladder, and skin care-;
- 5) List the physical changes and their effects on the AD resident.
- v) Module XXII -- Behavior Issues and Management Techniques.
 Objectives: Upon completion of this unit of instruction, the student will be able to:

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- 1) Discuss the common mood and behavioral disturbances of residents with a progressive dementing disorder-;:
 A) Agitation;
 B) Anxiety;
 C) Catastrophic Reactions;
 D) Clinging;
 E) Combativeness;
 F) Delusions/hallucinations;
 G) Inappropriate sexual behaviors;
 H) Rumaging/hoarding;
 I) Sleep disturbance;
 J) Sundowning (increasing intensity of symptoms during evening hours);
 K) Suspiciousness; and
 L) Wandering/pacing-;
- 2) Identify specific techniques or approaches used to support residents ability-;:
 A) Behavior;
 B) Cause;
 C) Staff intervention/response; and
 D) Environment.
- w) Module XXIII -- Activities. Objectives: Upon completion of this unit of instruction, the student will be able to:
 1) Identify appropriate activities based on the individuals mood and behavioral needs-;:
 A) Individual;
 B) Small group; and
 C) Large group.
- 2) Discuss the importance, significance and types of familiar tasks to support normalization.
- x) Module XXIV -- Nutrition and Dietary Factors. Objectives: Upon completion of this unit of instruction, the student will be able to:
 1) Identify cognitive and physiological changes of AD and RD residents that affect nutrition and feeding patterns-;
 2) Discuss potential feeding problems, complications, and eating behaviors; and
 3) List approaches for maintaining good nutrition and enhancing mealtime.
- y) Module XXV -- Family Role and Community Resources. Objectives: Upon completion of this unit of instruction, the student will be able to:
 1) Define family, significant other, and the sandwich generation (individuals caring for both their children and their elderly parents)-;
 2) Identify role changes and role reversal-;
 3) Discuss the extent of family caregiving prior to Nursing Home placement-;
 4) Discuss the impact of chronic stress on family systems-; and
 5) Discuss the impact of caring for the AD and RD family member or resident on the primary caregiver-;

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- 6) Identify interventions appropriate for assisting family caregivers to cope with their stress.¹
- 7) Identify the different community resources available and their role in the care and treatment of AD and RD residents both inside and outside the facility setting.¹ and
- 8) Discuss how local chapter of the Alzheimer's Disease and Related Disorders Association (ADARDA) can assist the resident, the family caregiver and the facility.
- z) Module XXVI -- Staff Support. Objectives: Upon completion of this unit of instruction, the student will be able to:
- 1) Identify stress factors involved in caring for persons with irreversible cognitive decline.²
 - 2) Identify coping mechanisms used by the individual resident to compensate for irreversible cognitive decline.² and
 - 3) Identify coping mechanisms that are used during the death, dying and bereavement process by the family and facility staff.
- aa) Module XXVII -- Cardiopulmonary Resuscitation. Objective: Upon completion of this unit of instruction, the student will be able to initiate basic cardiopulmonary resuscitation. After the training, certification in the provision of basic life support by an American Heart Association or American Red Cross certified training program may be offered as an option for this unit, but such certification is not a pre-requisite for the student's satisfactory completion of this unit of instruction.

(Source: Amended at 17 Ill. Reg. 2984, effective February 22, 1993)

Section 395.400 Proficiency Examination

- a) Any person who has been employed as an assistant or aide for less than 45 days in a facility, or who will be employed as an assistant or aide in a facility, may take a proficiency examination in lieu of completion of an approved training program.
- b) Proficiency examinations will be offered at a location determined by the Department. The Department will establish and announce the dates and times for the examination.
- c) Proficiency examination registrations must be made on behalf of an individual by a facility administrator. Individuals wishing to take the examination shall request the facility administrator to contact the Department to register the individual for the proficiency examination. The Department will notify the facility of the date and location of the individual's scheduled proficiency examination and will send the individual's registration application form to the facility.
- d) The examinee shall report to the testing site by the time scheduled for the start of the proficiency examination. No examinee will be admitted to the testing room after the time scheduled for the start of the proficiency examination. The examinee shall present the following

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- at the testing site--
- i) identification, which includes a photograph of the individual, such as driver's license, non-driver's Illinois identification card, employee identification card, or school identification card.
 - 2) Registration application form, which has been completed and signed by the facility administrator.
 - 3) The letter sent by the Department to specify the time and place that the applicant is registered to take the proficiency exam.
 - 4) The registration fee charged by the college or agency administering the proficiency examination.
 - e) Any person who does not report to the designated testing site on time or who fails to report without having given the Department advance notice of the individual's need to reschedule the exam (except in the case of an emergency which prohibits the individual from providing such advance notice) provided that the individual notifies the Department no later than five days after the exam, shall not be allowed to register to take the test at a later date.
 - f) Proficiency Examination Content
 - i) The basic nursing assistant proficiency examination will be the State approved competency evaluation, both written and manual skills components, consist of written questions from the training program developed from the curriculum outlined in Section 395.300.
 - 2) The developmental disabilities aide proficiency examination will consist of written questions from the training program curriculum outlined in Section 395.310.
 - g) The proficiency examination will consist of four sections: the examinee must correctly answer at least seventy percent of the questions in each section in order to successfully pass the proficiency examination. The Department will notify each examinee and employer in writing as to whether the examinee passes the proficiency examination.
 - h) The examinee will be allowed to retake individual sections of the proficiency exam that were failed. The examinee must follow the procedures outlined in this Section to register to retake portions of the proficiency examination.
 - ib) Any examinee who fails to successfully pass the proficiency examination three times within the first 45 days of employment must enroll in and successfully complete an approved Basic Nursing Assistant Training program or Developmental Disabilities Aide Training Program.

(Source: Amended at 17 Ill. Reg. 2984, effective February 22, 1993)

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- 1) The Heading of the Part:
Maternal and Child Health Services Code
- 2) Code Citation:
77 Ill. Adm. Code 630
- 3) Section Numbers: Adopted Action:
630.20 Amendment
630.90 Amendment
630.200 Amendment

- 4) Statutory Authority:

The Civil Administrative Code of Illinois
(Ill. Rev. Stat. 1991, ch. 127, par. 55 et seq.)

- 5) Effective Date of Amendments: February 22, 1993
- 6) Does this Rulemaking Contain an Automatic Repeal Date? No
- 7) Does this Rulemaking Contain any Incorporations by Reference? No
- 8) Date Filed in Agency's Principal Office: February 22, 1993
- 9) Date Notice of Proposed Amendments was Published in the Illinois Register:
16 Ill. Reg. 8103 - May 29, 1992
- 10) Has the Joint Committee on Administrative Rules Issued a Statement of Objection to this Rulemaking: No
If Yes, Date Agency Response Submitted for Approval to JCAR:
Date Statement of Objection was Published in the Illinois Register:
Difference Between Proposal and Final Version:
- 11)

Section 630.90(b)(5)(C) has been revised to read as follows:

When a signed consent form is received from the patient, confidential information must be released to the Department to evaluate the

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effectiveness of prenatal care, to conduct research to reduce infant and maternal morbidity and mortality, and to assist the Department in the allocation of resources. For women who consent to collection of such data, the grantee will solely retain all identifying information of the women (name, address, social security number, phone number) and provide code numbers to the Department in place of such information. The grantee will destroy the consent forms after the Department has completed its review of the data. The consent form will include:

- 1) the name of the person signing the form;
- 2) the name and address of the patient;
- 3) a statement of consent to release information for the purposes stated in subsection (b)(5)(C) above.

In addition, various technical changes recommended by the Administrative Code Division and the Joint Committee on Administrative Rules have been made.

- 12) Have all the changes agreed upon by the Agency and the Joint Committee been made as indicated in the agreement letter issued by the Joint Committee?

All changes agreed upon by the Department and the Joint Committee on Administrative Rules have been made.

- 13) Will the Amendments Replace an Emergency Rule Currently in Effect? No

- 14) Are there any other Amendments Pending on this Part? No

- 15) Summary and Purpose of Amendments:

The Maternal and Child Health program funds local community health organizations to provide a variety of Maternal and Child Health Services. The methodology and scope of these services are described in this Part. These amendments specify record retention and release of information requirements for grantees relative to audits and confidential information provided to the Department by the grantee for research purposes.

- 16) Information and Questions Regarding this Adopted rulemaking shall be directed to:

Ms. Gail M. DeVito, Division of Governmental Affairs, Illinois Department of Public Health, 535 West Jefferson, Fifth Floor, Springfield, Illinois 62761 (217)782-6187.

The full text of the Adopted Amendments begins on the next page:

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TITLE 77: PUBLIC HEALTH
CHAPTER 1: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER 1: MATERNAL AND CHILD HEALTH

PART 630

MATERNAL AND CHILD HEALTH
SERVICES CODE

SUBPART A: GENERAL

Section
630.10
630.20
630.25

Legislative Base
Administration
Incorporated Materials

SUBPART B: PRENATAL AND NEWBORN CARE PROGRAM

Section
630.30
630.40

Health Services for Women of Reproductive Age
Health Services For Children In The First Year Of Life

SUBPART C: CHILD HEALTH CARE PROGRAM

Section
630.50
630.60

Health Services For Children From One Year Of Age To Early
Adolescence
Health Services For Adolescents

SUBPART D: ADMINISTRATIVE REQUIREMENTS

Section
630.70
630.80
630.90
630.100
630.110
630.120
630.130
630.140
630.150
630.160
630.170
630.180
630.190
630.200
630.210

Definitions
Standards
Records
Reports
In-Service Training
Evaluation
Use of Project Funds
Program Income
Eligibility for Services
Availability of Services
Utilization of Community Resources
Abortions and Sterilizations
Reasonable Cost
Preparation of Applications
Review under Administrative Review Law

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630.220

Outreach and Case Management

APPENDIX A

MCH Grant Proposal Review Form

APPENDIX B

Illinois Department of Public Health Reimbursement
Certification Form

APPENDIX C

Instructions for Completing Reimbursement Certification Form

APPENDIX D

Plans to Achieve Objectives

APPENDIX E

Application and Plan for Public Health Program Grant

AUTHORITY: Implementing the Developmental Disability Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 2101 et seq.), the Lead Poisoning Prevention Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 1301 et seq.), the Phenylketonuria Testing Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4903 et seq.), the Counties Code (Ill. Rev. Stat. 1991, ch. 34, par. 3-3106), the Infant Mortality Reduction Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 7001 et seq.), the Problem Pregnancy Health Services and Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4601-100 et seq.), and authorized by the Civil Administrative Code of Illinois (Ill. Rev. Stat. 1991, ch. 127, par. 55.05).

SOURCE: Adopted and codified at 6 Ill. Reg. 5566, effective April 20, 1982; amended at 7 Ill. Reg. 16422, effective November 23, 1983; amended at 14 Ill. Reg. 11219, effective July 1, 1990; amended at 15 Ill. Reg. 13874, effective September 27, 1991; amended at 17 Ill. Reg. 3013, effective February 22, 1993.

SUBPART A: GENERAL

Section 630.20 Administration

a) General Provisions

1) Planning, programming and budgeting for Maternal and Child Health programs are the responsibility of the Division of Family Health of the Illinois Department of Public Health. The Department will develop each year a MCH Program Plan for Illinois which will assess current needs within the State and provide goals and objectives for improving the health of mothers and children, and for reducing infant mortality. The Department will make available to the University of Illinois Division of Services for Crippled Children thirty-two and one-tenth (32.1) percent of the total MCH Services Block Grant funds allocated to the Department [this being the percentage of Illinois' total funds awarded to the Division in Federal Fiscal Year 1981 from the Title V consolidated health programs as defined in Title V, Section 501(b)(1)] and included in the DHHS base for computation of the Department's Fiscal Year 1982 MCH Services Block Grant. Such funds to be used in accordance with those provisions of Title V MCH Services Block Grant applicable to services to children with special health care needs and as further defined by Illinois statute (Ill. Rev. Stat. 1987 1991, ch. 144, par. 67.1, Ill. Rev.

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Stat. 1989 1991, ch. 144, par. 22, and 89 Ill. Adm. Code, ch. X, sec. 1200) and not subject to the rules contained herein.

- 2) Giving highest priority to those areas in Illinois having high concentrations of low-income families, medically underserved areas, and those areas with high infant mortality and teenage pregnancies, the Department shall use the remaining sixty-seven and nine-tenths (67.9) percent of the total MCH Services Block Grant funds for MCH projects consistent with the intent of Title V and to provide Department operational funds which are supportive of the above projects.

- 3) Projects shall be administered either directly by the Department, or through grants or contracts to health agencies of local political jurisdictions or private nonprofit agencies. All applicant agencies shall be subject to the planning, promotion, and coordination of such services by the Division of Family Health.

- 4) Each project shall operate according to a plan written in accordance with state guidelines contained herein which are consistent with Title V and its regulations. In addition, projects funded for Regionalized Perinatal Care, Lead Poisoning, Newborn Screening, Problem Pregnancy, or Sudden Infant Death Syndrome activities must meet the requirements of State statutes and their applicable State rules and regulations.

b) Review Process

- 1) Priorities for Ranking

A) Priority shall be given to project applications for areas with concentrations of low income families. A low income family is defined as being either urban or rural, with an annual income below the nonfarm income official poverty level as defined by the Office of Management and Budget and revised annually in accordance with Section 624 of the Economic Opportunity Act of 1964. An area of concentration of low income is defined as a geographic area in which data are available indicating that a minimum of 20% of families or at least 1,000 individuals within its boundaries have an income less than the poverty level as described above. Priority will be given to those geographic areas in proportion to the extent to which the standard is exceeded. Applicants shall be required to document the socioeconomic factors within the geographic area proposed for the project.

- B) Priority for placement of projects shall also be given to areas that demonstrate a need for health services because of service scarcity or inaccessibility, and areas determined to have a need for such services as documented in the Illinois MCH Program Plan, revised annually. Areas demonstrating a reasonable probability of success based upon availability of facilities and personnel or the potential for developing such resources shall also be given priority.

- C) Reapplications for continued funding will receive priority

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consideration in two succeeding years based on appropriation of funds by the General Assembly and performance showing progress toward stated goals. Funding for subsequent reapplications will be based upon the priorities in subsections (b)(1)(A) and (b)(1)(B) of this Section and past performance.

2) Processing of Applications

- A) Applications shall be submitted no later than the due date indicated in the Request for Proposal (RFP) which shall be approximately ten weeks from the date of the request. All exceptions must be requested and approved in writing.

- B) Staff of the Division of Family Health shall review the applications for completeness and request any needed additional information from the applicant.

- C) An evaluation committee appointed by the Chief of the Division of Family Health shall review all applications based on compliance with this Part. Documentation of the review process shall be a summary of ratings for all proposals reviewed. The review shall include as a minimum the items identified in the MCH Grant Proposal Review Form. Such items include but are not limited to linkages with other community resources, parental involvement in the program, matching fund requirements, and special budgetary justification.

- D) Upon consideration of the recommendations of the evaluation committee, the Chief of the Division of Family Health shall recommend a funding level for approved applications to the Director of the Illinois Department of Public Health. The Illinois Department of Public Health may award funds for amounts less than requested in the grant application.

- E) The Department will communicate final decisions to each applicant.

- c) Funding. The preferred method of payment to Maternal and Child Health projects is by reimbursement of expenditures. In those instances in which a grantee does not have at least two months operating funds to implement the project, a cash advance may be requested. The request must be in writing and signed by the agency project director and the applicant-agency's--fiscal--officer. Repayment and reconciliation methodology will be set forth in writing by the Chief, Division of Family Health, as a part condition of the agreement grant-award.

d) Reimbursement

- 1) Periodic requests for reimbursement of allowable expenses incurred in the operation of the project and as specified in the approved budget are to be prepared and submitted to the Office of Community Health Health-Services Fiscal Unit. After review by appropriate fiscal and MCH staff, and approval by the MCH Program personnel, reimbursement requests will be processed for payment. Payment usually can be expected from five to six weeks after receipt of the reimbursement request by the Department. If

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unallowable expense items are included in the reimbursement request, they will be deducted, the project director will be notified, and only the allowable portion of the request will be reimbursed. In order to expedite cash flow, project directors should inquire about the appropriateness of questionable expenses prior to making the expenditure.

- 2) Complete reimbursement request shall consist of a Reimbursement Certification Form which can be expanded to multiple pages where necessary. Billings should be prepared in accordance with the following instructions:

- A) Frequency of submission: Projects with funding in excess of \$50,000 shall submit billings monthly. All others should submit billings at least quarterly. Any project may submit monthly billings. Quarters for the MCH grant periods are:

	State Fiscal Year	Federal Fiscal Year
July 1 - September 30	1st	4th
Oct. 1 - December 31	2nd	1st
Jan. 1 - March 31	3rd	2nd
April 1 - June 30	4th	3rd

- B) Deadlines for submission: Billings must be submitted within 30 days of the end of the reporting period. For example, billing for the month of July shall be submitted not later than the end of August, billing for the quarter ending in March shall be submitted not later than the end of April. At the end of the grant period, however, projects will have 45 days in which to submit the final billing. ~~A reminder--will be sent to all projects:~~

- C) Grouping of expenditures: Billing must be organized by the budget categories and line items of the approved project budget. A total for each budget category shall be shown.

- D) Voucher or check number: Every expenditure (goods or services already paid for by the grantee) must be identified by a voucher number or check number. This is the key to maintaining a clearly defined audit trail. Each item reimbursed by the Division of Family Health or voluntarily shown as supporting expenditures must be based on an expenditure traceable through the project's internal record system. Invoices, bills, purchase orders, etc., shall be attached or cross referenced on the grantee's voucher or check stub and kept on file for 3 years beyond the end of the grant period. These are not to be submitted with project billings.

- E) Date of voucher or check: Expenditures must be documented by showing the date of issue of the voucher or check.

- F) Expenditures outside of report period: It is expected that

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reimbursement requests will be for goods and services received in the reporting period. Bills submitted to the project by providers, suppliers, etc., too late for inclusion may be submitted with the subsequent billing request.

- G) Payee: Clearly identify (by name and address) the organization or individual to whom payment was made.

- H) Purpose of Expenditure: The purpose of the expenditure must be clearly indicated so that the Division of Family Health staff may determine whether it is acceptable for reimbursement or as matching. Acceptability will be based on the terms of the agreement and this Part. For periodic charges, e.g., salaries, fringe benefits, travel, rent, utilities, etc., also show the time period covered.

- I) Patient Confidentiality: Patients' names shall not appear anywhere on the billing. Where patient references are necessary to maintain an audit trail, patient numbers or other means of identification shall be used.

- J) Expenditure: Expenditures shall be completed in accord with Instructions for Completion of the Reimbursement Certification Form (see Appendix B of this Part).

- i) Sub-total expenditures in both columns by budget category, and show a grand total at the end of the billing.

- ii) Individual expenditures reported may be entirely reimbursable, entirely paid from other resources, or a combination of the two. For example, a nurse's salary may be paid entirely by grant funds, entirely by local project funds, or partly from each source.

- iii) In projects showing supporting expenditures they are to be reported with each reimbursement request and not accumulated.

- K) Signature: The project director or an authorized agent must sign the billing form before submission. The individual signing the form is responsible for its accuracy. Authorized signatures must be on file with the Department.

- L) Number of Copies: Submit four legible copies of the Reimbursement Certification Form. Additional pages may be duplicated as needed.

- e) Monitoring: At least annually, appropriate professional health personnel of the Division and its consultants shall review each project for appropriateness of services and quality of care furnished to recipients in accordance with the project plan.

- f) Auditing

- 1) The grantee will maintain complete records of all services, receipts and disbursements relative to this grant agreement and agrees to make all such records available to the Department and its agents for audit in accordance with applicable requirements.

- A) Local Governments: Audits shall be conducted in accordance

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with the Single Audit Act of 1984 (31 U.S.C. 7501 et seq.) and OMB Circular A-128 "Audits of State and Local Governments." All records related to the grant agreement shall be retained and available during normal business hours for three (3) years following termination of this grant agreement or for such time as may be provided in applicable state and federal statutes and administrative rules, whichever time is longer. The Grantee shall maintain all records which are subject to an active or announced audit until such audit is completed and all outstanding audit issues have been resolved.

B) Nonprofit Organizations: Audits shall be conducted in accordance with OMB Circular A-133 "Audits of Institutions of Higher Education and Other Nonprofit Organizations." All records related to the grant agreement shall be retained and available during normal business hours for three (3) years following termination of this grant agreement or for such time as may be provided in applicable state and federal statutes and administrative rules, whichever is longer. The Grantee shall maintain all records which are subject to an active or announced audit until such audit is completed and all outstanding audit issues have been resolved.

2) Organizations falling under the audit provisions cited above must submit a copy of the audit report to the Illinois Department of Public Health within one month after the receipt of the final report. For any organizations not specifically covered under the above-stated audit requirements, or if after review of the report, the Illinois Department of Public Health requires additional information, the Department reserves the right to perform such an audit in accordance with the Fiscal Control and Internal Auditing Act (Ill. Rev. Stat. 1991, ch. 15, par. 1001 et seq.).

The Illinois Department of Public Health will conduct audits of local projects by the authority of AN-ACB in relation to the establishment and maintenance of county and multiple county public health departments (Ill. Rev. Stat. 1909, ch. 111-172, par. 20c-01). These audits will be conducted at least every two years and will be performed in accord with generally accepted auditing procedures. These audits will be either on-site reviews by Illinois Department of Public Health audit staff or will be desk audits of local public agencies covered by the Single Audit Act of 1984 (31 U.S.C. 7501 et seq.). In the latter case, the agency is required to submit a copy of the audit within one month of the receipt of the final report. If after review of the report the Illinois Department of Public Health requires additional information, then the Department reserves the right to perform such an audit.

(Source: Amended at 17 Ill. Reg. 3013, effective February 22, 1993.)

SUBPART D: ADMINISTRATIVE REQUIREMENTS

Section 630.90 Records

a) Administrative. The following administrative records shall be maintained by the project for a period of three years:

1) All financial record of expenditures, third-party reimbursements and other project income.

2) An inventory record of all equipment purchased from project funds including (listing shall be cumulative and updated annually):

- A description of the item.
- Inventory identification (I.D.) number. This can be a manufacturer's serial number or other I.D. number, but it must be permanently affixed to the item.
- Acquisition date and cost.
- From whom purchased.
- Location and condition of the item. No property can be disposed of without prior written authorization of the Chief, Division of Family Health. Upon termination of a project the equipment becomes the property of the Illinois Department of Public Health.

3) Personnel records for all project staff.

4) Statistical information derived from project activities.

b) Patient Records

1) One record containing the appropriate information relative to that person's care shall be maintained on each patient.

2) A project record shall be maintained on each individual registered in the project. The record should be designed to accommodate entries by each discipline providing services for that project. Documentation showing preauthorization of services purchased by the project shall be maintained as a part of the individual's patient record. All services provided to a particular patient by each discipline must be easily reviewable by the other disciplines.

3) The record shall be useful as an administrative and health management tool.

4) Confidentiality. The following information relating to patients and persons requesting services shall be treated as confidential:

- Names and addresses individually or by list.
- Information contained in reports of medical examinations and treatments.
- Information about financial resources.
- Information contained in registers, in case records, correspondence, any forms or notations obtained from or about the individual and family concerning his condition or circumstances, including all such information whether or not it is recorded.
- Records of state and local health department evaluations of such information.

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- 5) Release of Information. Information shall be kept confidential and shall not be divulged except as follows:
- A) Confidential information may be released only with the parent's or patient's consent to agencies, institutions or individuals who are requested to provide maternal and child health services to the mother or child, as a part of the program of the state agency.
- B) Confidential information may be released to other state or federal agencies having as their purpose the health and welfare of the mother or child for whom the patient or his parent, in his behalf, has requested services. In these circumstances the information may be released only if adequate assurances are given that:
- The confidential character of the information will be preserved;
 - the confidential information will be used only for the purpose for which it is made available;
 - such proposals are reasonably related to the purposes of the program of the state or local agency and the functioning of the other agencies or programs; and
 - the standards of protection established by the other agencies or programs to which the confidential information is made available are at least equal to those established by the state or local health department.
- C) When a signed consent form is received from the patient, confidential information must be released to the Department to evaluate the effectiveness of prenatal care, to conduct research to reduce infant and maternal morbidity and mortality, and to assist the Department in the allocation of resources. For women who consent to collection of such data, the grantee will solely retain all identifying information of the women (name, address, social security number, phone number) and provide code numbers to the Department in place of such information. The grantee will destroy the consent forms after the Department has completed its review of the data. That consent form will include:
- the name of the person signing the form;
 - the name and address of the patient;
 - a statement of consent to release information for the purposes stated in subsection (b)(5)(C) above;
 - a protection against release beyond the Illinois Department of Public Health.
- ED) Information may be disclosed in summary, statistical or other form, which does not make it possible to identify any particular individual.

(Source: Amended at 17 Ill. Reg. 3013, effective February 22, 1993)

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Section 630.200 Preparation of Applications

a) Eligibility:

- All public or private agencies recognized by the Illinois Department of Public Health as possessing a demonstrated capability of directing such projects are eligible for MCH Project Grants.
- The following varieties of program implementation are acceptable:
 - Program implemented exclusively by the grantee agency;
 - Program implemented by the grantee agency in association with another community agency or agencies;
 - Program implemented by a community agency under contract to the grantee agency which maintains supervision and holds responsibility;
 - Program implemented by several agencies on a coordinated regional basis.
- The General Assembly may, from time to time, appropriate state and federal funds for particular agencies or categories of agencies to provide MCH services, such as for local health departments to offer prenatal care services.
- Application Development:

All applicants are urged to discuss their interests and ideas for developing programs early in the planning stages with the Division of Family Health. Applications may include one or more of the health service categories outlined in Sections 630.30 through 630.60. Staff of the Division of Family Health are available to assist applicants in planning programs meeting these guidelines. Applicants should refer to Sections 630.80 through 630.200 for further description of the standards for all MCH Projects.
- Project Narrative:

The narrative section of the project application or plan shall contain the following elements and must address each item listed below:

 - Title of project.
 - Problem: The health and related problems or needs which the project will address shall be identified.
 - Characteristics of the area:
 - Program plans shall specify the geographic areas or political jurisdictions which are in need of services. These can be census tracts, school districts, cities, counties, etc.; and should be areas with concentrations of low-income families. Concentration does not necessarily refer to demographic factors, but to the proportion of low-income families to a defined population.
 - Particular attention should be given to areas and census tracts in cities where maternal and child health services are inadequate due to overcrowding of facilities; where many women receive little or no care; and where maternal and infant mortality, morbidity, and prematurity rates are high, and the number of infant deaths is excessive. Particular

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attention also should be given to rural areas and economically depressed areas where the needs of maternity and infant patients are not being met.

- C) Latest available demographic and other statistical and descriptive data on the area to be served shall be provided as applicable. Examples of such information include:

- i) population (sex, age, race and ethnic data should be included).
- ii) geography.
- iii) financial status/median income.
- iv) socioeconomic class.
- v) percent of public aid recipients.
- vi) population turnover (mobility).
- vii) prevalence of families with female head only.
- viii) birth rate: overall, teenage; and out-of-wedlock.
- ix) maternal mortality.
- x) infant mortality.
- xi) morbidity and mortality through age 19.
- xii) distribution of medical and allied health services and personnel.
- xiii) other indicators of the overall health status of the community.

- 4) Objectives: Clearly stated measurable short-term (current grant year) and long-term objectives of the proposed project and a schedule for when they will be achieved shall be provided on the "Plans to Achieve Objective Form." Criteria for the successful achievement of each objective must be included as well as the source of information to be used to evaluate success. The objectives shall be measurable and shall relate to specific aspects of the program.

- 5) Resources available:

- A) A description of the applicant agency's capability to conduct a program of the scope envisioned, describing the health and social service facilities, agencies, programs, etc., in the community and the proposed relationship of these resources to the program shall be provided. Working letters of agreement signed by both parties shall be included in support of any referral arrangements.
- B) Services in outpatient and inpatient facilities, appropriate to the needs of the area to be served, shall be arranged for in advance of initiating program services. Facilities shall be designed to expedite efficient patient flow, and to assure the privacy and dignity of the individual.

- 6) Program operation: Plans for program implementation and operation shall be described with regard to achieving stated program objectives.

- A) Patient load: Estimates of the number of women, children and infants to be served by the program shall be included. This shall be provided separately for each category of

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- B) Location and group of clients to be served.
 Location of Services: The locations and the types of services which will be provided by participating hospitals, clinics, private physicians, dentists, and other health and support resources shall be included.

- C) Description of Services: The pediatric, maternal, family planning, dental and other services to be offered, with emphasis on those services which are not presently available to all segments of the community shall be described.

- D) Comprehensiveness:

- i) The program shall describe the comprehensive array of services necessary to assure optimal care within the service areas identified in the project, i.e., prenatal care, child health, adolescent health services, etc. Provisions shall be made for the development of a care plan for each client that assures effective interdisciplinary provision of services. Comprehensive means completeness to ensure that all needed services are available and integrated so that services are rendered in an orderly fashion, with an emphasis on assuring continuity of care.

- ii) Comprehensive health care includes not only physical examination and laboratory services but also nursing, social work, nutritional, dental and other health and support services as appropriate.

- iii) Standards and guidelines shall be developed so as to be specific for each group serviced using standards such as those outlined in Section 630.80. Criteria for high risk classifications shall be included and shall be consistent with these references as well.

- iv) The patient care plan shall take into account utilization of other health care resources necessary to assure optimal, continuous and complete maternal and infant care. Necessary arrangements for transportation, babysitting or homemaker services shall be described. Written procedures shall be developed by the project to assure that necessary health care will be provided including working letters of agreement signed by all required parties.

- E) Intake procedures: The intake procedures to be utilized i.e., appointments, walk-in combination, or other, including appropriate assurances that medical care and services will be delivered promptly shall be provided.

- F) Follow-up: Program plans shall outline the specific procedures which will be implemented to assure adequate follow-up services. Arrangements for follow-up services not directly rendered by the program should be described to assure that these recipients necessary services.

- G) Referral: The patient care plan shall provide for

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utilization of other health care resources necessary to assure continuous and complete care. Written procedures shall be developed by the project to assure that necessary health care and support will be provided and that standard referral procedures will be followed. Written agreements between agencies shall be developed and included with the application.

- H) Outreach: Plans for outreach such as home visits; health education to individuals or groups, including community organizations and use of mass media shall be described.

7) Organization:

- A) The administrative structure and staffing pattern of the program, including organization charts, job descriptions for all positions, and curricula vitae for core personnel shall be provided.

- B) Applicants shall give assurance that the services will be provided by or supervised by qualified personnel. Qualifications shall be determined by reference to merit system, established minimum qualifications, occupational standards, state and local licensing laws and specialty board requirements. Such standards, laws and requirements, shall be incorporated by reference in the grant application. Copies of current licenses or certificates shall be maintained on file with the grantee.

- C) Copies of insurance coverages shall be maintained on file including malpractice coverage.

8) Target group and eligibility requirements:

- A) Descriptions of the target population within the service area and how the services are designed especially for this group shall be included.

- B) Income standards for eligibility for services shall be 185 percent of the federal poverty guidelines (see 55 Fed. Reg. 5664, February 16, 1990). These are to be applied flexibly with due regard to family size and income and the family's other financial responsibilities in relation to the cost of required care.

- C) A schedule of rates of payment for services shall be included in the grant application and shall be made known to patients at the time of admission interview and be applied flexibly after approval by the Illinois Department of Public Health. Approval will be based upon a cost analysis methodology which can be demonstrated to the Department.

- D) Estimates of the percentage of the population eligible for all categories of services shall be provided listing the criteria to be used in deciding who is to receive services.

- E) The project director or a member of the project staff designated by him shall determine patient eligibility by taking into account the criteria listed below. Services shall be available:

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- i) Without any requirement for legal residence except that the patient currently is living in the area served by the program.

- ii) Upon referral from any source including the patient's own application.

- iii) Without any requirement for court commitment as a prerequisite for any part of the care.

- F) The method proposed for authorizing services allowable under project policies shall be described in the project plan. Authorization for services for which payments are made from project funds, shall be maintained by the grantee. A form for each patient shall show the services authorized, and the amounts expended for the specific types of services approved.

- G) The grantee shall give assurance that:

- i) Services shall be available only to recipients because they are from low-income families or cannot access services for other reasons beyond their control.

- ii) Services shall be available to recipients from outside the project area only if approved by the project director.

- iii) Services shall be available to recipients who are not from low-income families only if such care does not reduce the delivery of necessary services to recipients from low-income families.

- 9) Patient record system: A description of procedures designed to insure that accurate and up-to-date health records will be initiated and maintained for each patient shall be included. The records shall include a complete medical history, growth charts, results of each medical examination, screening procedures, laboratory tests, a summary of instructions given to patients or parents, a list of medications prescribed, and all relevant health, patient education, social services and environmental information. Records shall be confidential. With the patient's consent, copies of medical records may be furnished to hospitals or other health care providers.

- 10) Evaluation of project activity: The methods proposed for assessing the progress of the program toward meeting its stated objectives shall be described.

- 11) Sub-contracts: Arrangements with other agencies or health care providers who will deliver a portion of the project's services, including copies of any contracts or agreements with outside providers shall be provided.

- 12) Third-party Reimbursement and Other Sources of Funds:

- A) Additional program services may be furnished to larger numbers of patients by securing third-party reimbursement or other sources of funds. A project shall make every reasonable effort to collect from third-party sources (including government agencies) which are authorized or

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under legal obligation to make such payments. Approval will be made by the Department when the income is budgeted into the project and meets the standards in subsection (c)(8)(B) of this Section.

B) Patients, who would not otherwise receive services for reasons beyond their control, may receive and be charged for services only if the provision of such services does not reduce the delivery of necessary services to the low-income patients. In those instances where charges are made for services provided to patients who are not from low-income families, such charges shall be applied flexibly with due regard to family size and income and the family's other financial responsibilities in relation to the cost of required care and shall be approved by IDPH before implementation.

13) Regional and Local coordination:

A) In accordance with recommendations of the American Medical Association, the American College of Obstetricians and Gynecologists and the American Academy of Pediatrics, services for non-high risk as well as high risk mothers and infants shall be developed as a part of overall regional planning. Such regional coordination may involve the crossing of state boundaries.

B) When the provision of services or programs requires an advisory group composed of community representatives whose function is to make recommendations for awarding funds to subcontractors, membership shall be restricted to persons not having a fiduciary interest in, not serving in a policy making position for, and not working as a staff member for any applicant agency.

14) Supporting data and additional information: Additional relevant information to support the proposal shall be provided, including working letters of agreement from all participating agencies, and pertinent letters of support and evidence of nonprofit status.

d) Budget:

1) All applicants shall submit a detailed budget proposal for each project period as part of the project application for new applicants or with the progress report and any proposed plan revision for continuing projects. The budget proposal shall be submitted on forms provided by the Division of Family Health, and shall include all information and signatures required in the instructions.

2) The budget is divided into major categories of cost. Not all categories will apply to all projects. In preparing its budget, each project should use only those budget categories applicable to its own operations.

3) Budget categories are further divided into line items which specify the amounts for each item of expense allowable under the budget.

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4) In some agreements between the State Agency and the delegate agency as subgrantee, local funds supplement the project effort. The local share may be in the form of cash contributions, or may be the "in kind" valuation placed upon goods, services, physical facilities, etc., directly benefiting or specifically identifiable to the grant supported activity.

e) General Requirements and Assurances: Each project grant application shall contain assurances in writing that:

1) The grantee shall implement the program within three months of the date when authorization to proceed is given. Funds for programs not implemented within three months shall revert to unawarded status, unless a written extension request is approved.

2) For any program developed under the stated alternative method of implementation (See Section-630-200 subsection (a) (3) of this Section), the grantee agency shall retain sole responsibility for program implementation and fiscal accountability.

3) The grantee agency shall allow periodic on-site review of its programs and records including those of its subcontractors by the staff of the Division of Family Health or their authorized representatives.

4) The grantee agency shall submit quarterly performance reports to the Division of Family Health within thirty (30) days of the end of each quarter. The final annual report is due within 45 days of the end of the project period. All other specified reports shall be submitted within identified time lines.

5) Forms used to authorize services, for which payments are made from project funds shall be maintained by the grantee. A form for each patient shall show the services authorized, date of authorization, and the amounts expended for the specific types of services authorized, date of authorization, and the amounts expended for the specific types of services approved.

6) Payment for high risk inpatient hospital services perinatal centers designated in accordance with the Regionalized Perinatal Health Care Code (77 Ill. Adm. Code 640) shall be based on the lesser of reasonable cost of services (See Section 630.190) or the customary charges to the general public for such services.

7) Grantees shall not amend the application for which the grant was approved without prior written permission from the Department.

8) The applicant shall maintain adequate records to show the disposition of all grant funds expended for activities for which the grant was made. All records shall be retained for three years after the close of the fiscal year in which the grant was made and shall be made available for audit purposes upon request of the Department.

9) Attention is called to the requirements of Title VI, Civil Rights Act of 1964, 42 U.S.C. 2000e et seq., the Age Discrimination Act of 1975, the Rehabilitation Act of 1973 and Title IX of the Education Amendments of 1972 which provide that no person in the United States shall, on the grounds of age, handicap, race,

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color, creed, religion, sex or national origin be excluded from participation in, be denied the benefits of, or be subject to discrimination under any program or activity receiving federal financial assistance. All services provided by the applicant shall be made available without discrimination on the grounds of age, handicap, race, creed, religion, sex, marital status, national origin or duration of residence. Professional liability insurance must be in place and on file for all personnel providing service.

- 10) Grantees shall use grant funds in addition to, rather than in lieu of, existing local or other State or federal funds currently available for the purposes approved in the grant award. Existing funds which are currently available are those which have been available at least during the budget period immediately preceding the period for which funds are being requested and will also be available during the period for which the funds are being requested.

- 11) Failure by the grantee to comply with these requirements, site review recommendations or grant conditions will be cause for discontinuance of funds or termination of the grant.

F) Continuation Application:

- 1) For continuation applications, an annual progress report, budget and an abbreviated narrative describing the service model for the upcoming fiscal year must be submitted. Any proposed revisions to the project plan must be submitted in detail. This must include projected caseloads, and updated objectives on prescribed forms.
- 2) The annual progress report shall describe the accomplishments since the last annual progress report, and may include charts, graphs or tables in addition to the narrative report. Progress shall be related to stated objectives. Proposed revisions to the project plan shall be submitted as separate documents revising specific sections of the approved narrative.

g) Revisions

- 1) Any changes in the project narrative, objectives, caseload or budget must be submitted in writing to the Illinois Department of Public Health, Division of Family Health prior to implementing the change. All proposed changes must include a description of the change and justification for the change. Budget revisions should specify the amount of dollars involved and the type of change. When budgetary changes are requested revised budget pages shall be submitted. Telephone requests for emergency changes will be considered individually. Approved telephone requests must be followed by written documentation as described above prior to reimbursement.
- 2) Grantees shall be notified in writing when revisions are required by the Division in any matter related to the administration of the projects including but not limited to changes in funding levels.
- 3) There are three possible types of budget revisions:

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- A) Adjustment - The total amount of the budget remains the same. Funds are shifted within the budget between line items and/or budget categories.
- B) Supplement - The total amount of the budget is increased by adding funds to specific budget categories and line items, or by creating new line items.
- C) Reduction - The total amount of the budget is decreased by reducing or eliminating line items or budget categories.

h) Termination

- 1) All grants shall terminate on the dates specified in the contracts and shall not be extended or renewed except as provided for in Section 630.20(b)(1)(C).
- 2) A grantee who has substantially failed to comply with this Part and the grant award as documented at site reviews for two consecutive years will have funding terminated. Substantial failure for the purpose of this Section shall mean failure to meet requirements other than a variance from the strict and literal performance which result in unimportant omissions or defects given the particular circumstances involved. The grant contract may be terminated by either party upon a 30 day written notice. Unallocated monies will be used to expand existing projects or to fund new projects in underserved areas.
- 3) The Director, after notice and opportunity for hearing to the grantee, may suspend or terminate the grant in any case in which he/she finds that there is or has been a violation of this Part.
- 4) Such notice shall be effected by registered mail, by certified mail, or by personal service setting forth the particular reasons for the proposed action and fixing a date, not less than 15 days from the date of such mailing or service, at which time the delegate shall be given an opportunity for a hearing. Such hearing shall be conducted by the Director or by an employee of the Department designated in writing by the Director as Hearing Officer to conduct the hearing. On the basis of any such hearing, or upon default of the delegate agency, the Director shall make a determination specifying the findings and conclusions. A copy of such determination shall be sent by registered mail, certified mail, or served personally upon the grantee. The decision shall become final 35 days after it is so mailed or served, unless the grantee, within such 35 day period, petitions for review pursuant to Section-635-200 this Section.

- 5) The procedure governing hearings authorized by this Part shall be in accordance with Rules of Practice and Procedure in Administrative Hearings (77 Ill. Adm. Code 100).
- 6) If, however, the Department finds that:
 - A) The public interest, including financial interest, health safety, or welfare requires emergency action (emergency action would result from such instances as, but not limited to, bankruptcy and/or insolvency, fraud, and financial

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- instability), and;
- B) Unless the Department receives documentation that the grantee's assets are sufficient to meet the grantee's liabilities in the form of a certified financial statement, and;
- C) If the Director incorporates a finding to that effect in the order; then
- D) Summary suspension of the grant shall be ordered pending proceedings for termination or referral to State or federal authorities, which proceedings shall be instituted within one week of summary suspension and promptly determined.
- 7) In no case where summary suspension has been ordered shall reimbursement be made to the delegate agency for costs incurred or funds expended after the date of summary suspension unless, after conclusion of the proceedings, such reimbursement or payment is ordered by the hearing officer, administrative law judge or court of competent jurisdiction.

(Source: Amended at 17 Ill. Reg. 3013, effective February 22, 1993)

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Racetrack Operators and Their Duties
- 2) Code Citation 11 Ill. Adm. Code 1305
- 3) Section Number: 1305.120 Adopted Action: Repealed
1305.130 Repealed
1305.140 Amendment
- 4) Statutory Authority: ILCS 1992, ch. 230, sec. 5/1 et. seq
- 5) Effective Date of Rule: February 23, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: February 23, 1993
- 9) Notice of Proposal Published in Illinois Register: 16 Ill. Reg. 2439 - February 14, 1992.
- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Differences between proposal and final version: The text, proposed during first notice, for Section 1305.140 was replaced with the current text. The Register citation was changed from "16" to "17" in the main source note and the section source notes. The statutory citation was updated to reflect the Illinois Compiled Statutes. In the table of contents, Section 1305.55 Written Disclosure for Corporations was added and the word "of" was changed to "for" in Section 1305.120.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No.
- 15) Summary and purpose of rules: This amendment outlines the requirement of each racetrack to submit an Emergency Medical Service plan.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY

SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER f: RULES AND REGULATIONS OF HARNESS RACING

PART 1305

RACE TRACK OPERATORS AND THEIR DUTIES

Section	
1305.10	Definition of Race Track Operator
1305.20	Application
1305.30	Time for Filing Applications
1305.40	Conditions of License
1305.45	Lease of Race Track (Repealed)
1305.50	Written Disclosure
1305.55	Written Disclosure for Corporations
1305.60	Notice of Changes
1305.70	Political Contributions
1305.80	Termination of License
1305.90	Wagering On Races Conducted off of Premises
1305.100	Reciprocal Suspensions
1305.110	Horse Ambulance
1305.120	Ambulance of Racing Strip (Repealed)
1305.130	First Aid Station (Repealed)
1305.140	Emergency Medical Services
1305.150	Illinois Racing Board Office
1305.170	Moving Office (Repealed)
1305.180	Judges' Stand
1305.190	Drivers' Bench
1305.200	Stabling of Horses
1305.220	Stall Numbers and Distance Poles
1305.230	Licensed Outrider
1305.240	Drinking Fountains and Rest Rooms
1305.250	Telephones
1305.260	Broadcasting and Telecasting
1305.270	Pest Control
1305.280	Alcohol Sales
1305.290	Track Lights
1305.300	Fire Prevention
1305.310	Backstretch Paging System
1305.320	Admissions
1305.330	Inspection Report
1305.340	Lottery Events at Race Tracks
1305.350	Off-Track Betting Agencies of Other States
1305.370	Reporting of Horsemen's Purse Account

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (ILCS 1992, ch. 230, sec. 5/1 et. seq.).

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NOTICE OF ADOPTED AMENDMENTS

SOURCE: Published in Rules and amended of Harness Racing, (Original date not cited in publication); amended October 9, 1973, filed October 19, 1973; amended October 25, 1973, filed December 17, 1973; amended February 15, 1974, filed February 28, 1974; amended October 25, 1974, filed November 7, 1974; added May 9, 1975, filed May 15, 1975; amended August 21, 1976, filed August 21, 1976, filed August 30, 1976; amended at 2 Ill. Reg. 27, p. 275, effective July 10, 1978; amended at 4 Ill. Reg. 21, 0. 85, effective May 9, 1980; codified at 5 Ill. Reg. 10923; amended at 6 Ill. Reg. 11063, effective September 1, 1982; amended at 9 Ill. Reg. 9165, effective May 30, 1985; amended at 14 Ill. Reg. 17661, effective October 16, 1990; amended at 14 Ill. Reg. 20052, effective December 4, 1990; amended at 17 Ill. Reg. 3034, effective February 23, 1993.

Section 1305.120 Ambulance for Racing Strip (Repealed)

~~THE RACE TRACK OPERATOR SHALL FURNISH A MAINTAINED AND MAINTAINED EACH DAY THAT THE RACE TRACK IS OPEN FOR RACING OR EXERCISING HORSES, EQUIPPED WITH READY FOR IMMEDIATE USE, AND TO BE PLACED AT THE DISPOSAL OF THE RACING STRIP, WHICH IS AT NO TIME OBSTRUCTED BY PEOPLE, VEHICLES, OR EQUIPMENT, SO THAT NO TIME SHALL BE LOST IN TIMES OF EMERGENCY. ALL OPERATORS SHALL FURNISH AMBULANCE SERVICES FROM ITS RACE TRACK TO THE NEAREST HOSPITAL ON ANY DAY THAT THE OPERATOR IS RACING OR ALLOWING HORSES TO EXERCISE.~~

(Source: Repealed at 17 Ill. Reg. 3034, effective February 23, 1993.)

Section 1305.130 First Aid Station (Repealed)

~~THE RACE TRACK OPERATOR SHALL MAINTAIN A FIRST AID STATION OR EXAMINING ROOM WHERE AMBULATORY PATIENTS MAY PRESENT THEMSELVES FOR DIAGNOSIS AND TREATMENT.~~

(Source: Repealed at 17 Ill. Reg. 3034, effective February 23, 1993.)

Section 1305.140 Emergency Medical Services

~~ALL RACE TRACK OPERATORS DURING THE PERIOD WITHIN WHICH THEY ARE CONDUCTING A RACE MEETING SHALL FURNISH A LICENSED PHYSICIAN OR AN ADVANCED EMERGENCY MEDICAL TECHNICIAN CERTIFIED BY THE DEPARTMENT OF PUBLIC HEALTH IN AN AREA SERVED BY AN ADVANCED LIFE SUPPORT PROGRAM, APPROVED BY THE DEPARTMENT OF PUBLIC HEALTH, EACH DAY THAT THE TRACKS MAY BE OPENED FOR RACING, AND SHALL FURNISH A REGISTERED NURSE EACH DAY THAT THE TRACKS MAY BE OPENED FOR RACING OR EXERCISING HORSES. EACH MEDICAL PERSONNEL TO RENDER MEDICAL SERVICES OR TREATMENT TO ALL LICENSED AT SUCH MEETINGS WITHOUT CHARGE TO SUCH PATIENTS.~~

ILLINOIS REGISTER

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Each organization licensee shall submit its emergency medical services plan to the Board, for the Board's approval, thirty (30) days prior to the start of its meet. The plan shall include all information relative to emergency medical services to be provided to racing participants and patrons, including but not limited to the name of any resource hospitals, agreements with any ambulance services (private and municipal), and the number and certification level of all emergency medical technicians. In approving an emergency medical service plan the Board shall consider the proximity of the racetrack, the size of the racetrack, and the type of racing to be conducted at the racetrack. Each plan shall also be certified by the Illinois Department of Public Health, Division of Emergency Medical Services.

(Source: Amended at 17 Ill. Reg. 3034, effective February 23, 1993.)

ILLINOIS REGISTER

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NOTICE OF ADOPTED AMENDMENTS

- 1) The Heading of the Part: Regulations for Meetings
- 2) Code Citation 11 Ill. Adm. Code 1424
- 3) Section Number: 1424.170 Adopted Action: Amendment Repealed
1424.175
- 4) Statutory Authority: ILCS 1992, ch. 230, sec. 5/1 et. seq
- 5) Effective Date of Rule: February 23, 1993
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporation by reference? No.
- 8) Date filed in Agency's Principal Office: February 23, 1993
- 9) Notice of Proposal Published in Illinois Register: 16 Ill. Reg. 12133, July 31, 1992.
- 10) Has JCAR issued a Statement of Objections to these rules? No.
- 11) Differences between proposal and final version: The text, proposed during first notice, for Section 1424.170 was replaced with the current text. The Register citation was changed from "16" to "17" in the main source note and the section source notes. The title of Section 1424.170 in the table of contents was revised. The phrase "amended at 16 Ill. Reg. 7493, effective April 24, 1992" was added in the Main Source Note. The statutory citation was updated to to reflect the Illinois Compiled Statutes. "(Repealed)" was inserted after the heading of Section 1424.175. The phrase "to its resource hospital" was added after "proximity of the racetrack" in Section 1424.170.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes.
- 13) Will these amendments replace emergency amendments currently in effect? No.
- 14) Are there any other proposed amendments pending in this Part? No.
- 15) Summary and purpose of rules: This amendment outlines the requirement of each racetrack to submit an Emergency Medical Service plan.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Illinois Racing Board, Legal Department
100 West Randolph, Suite 11-100
Chicago, Illinois 60601

ILLINOIS RACING BOARD

NOTICE OF ADOPTED AMENDMENTS

TITLE 11: ALCOHOL, HORSE RACING, AND LOTTERY
SUBTITLE B: HORSE RACING

CHAPTER I: ILLINOIS RACING BOARD

SUBCHAPTER g: RULES AND REGULATIONS OF HORSE RACING
(THOROUGHbred)

PART 1424

REGULATIONS FOR MEETINGS

Section	Illinois Racing Board Right of Entry
1424.10	Office for Racing Board
1424.20	Moving Offices (Repealed)
1424.25	Inspections and Searches
1424.40	Investigative Authority
1424.45	Allocation of Stalls
1424.50	AGID (Coggins) Test
1424.55	Distance Poles
1424.60	Arrivals, Departures and Stabling
1424.70	Departure Slips
1424.80	Horse Ambulance
1424.90	Races Per Day (Repealed)
1424.100	Extra Races
1424.110	Clockers
1424.120	Outriders
1424.125	Safety Rails
1424.140	Backstretch Paging System
1424.150	Camera
1424.160	Emergency Medical Services
1424.170	Manned Ambulance (Repealed)
1424.175	Policing of Premises
1424.180	Stable Area Security
1424.190	Stable Area Security
1424.200	Security Reports
1424.210	Night Patrol
1424.220	Telephones
1424.230	Calls Through Switchboard (Repealed)
1424.240	Races for Illinois Horses
1424.250	Breeder Awards
1424.260	Admission to Parts of Premises
1424.270	Stable Areas Fenced
1424.280	Merchandise Selling
1424.290	Tip Sheets
1424.300	Alcoholic Beverages
1424.310	Jockey Quarters
1424.320	Water Supply and Washrooms
1424.330	Drug Vendors
1424.340	Seven Day Rule
1424.350	Penalty for Violation of Rules
1424.353	Stall Availability Prior to Meet

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NOTICE OF ADOPTED AMENDMENTS

AUTHORITY: Implementing and authorized by Section 9(b) of the Illinois Horse Racing Act of 1975 (ILCS 1992, ch. 230, sec. 5/1 et. seq).

SOURCE: Published in Rules and Regulations of Horse Racing (original date not cited in publication); added October 25, 1973, filed November 26, 1973; added August 8, 1973; amended February 15, 1974, filed February 28, 1974; amended April 11, 1974, filed April 30, 1974; amended July 12, 1974, filed July 22, 1974; amended October 25, 1974, filed November 7, 1974; amended March 14, 1975, filed and effective March 27, 1975; amended May 9, 1975, filed May 15, 1975; amended June 19, 1976, filed June 25, 1976; amended December 9, 1977, filed December 29, 1977; amended at 4 Ill. Reg. 41, p. 164, effective September 26, 1980; codified at 5 Ill. Reg. 10996; amended at 8 Ill. Reg. 12460, effective June 27, 1984; amended at 9 Ill. Reg. 9166, effective May 30, 1985; amended at 14 Ill. Reg. 20545, effective December 7, 1990; amended at 16 Ill. Reg. 7493, effective April 24, 1992; amended at 16 Ill. Reg. 11193, effective June 25, 1992; amended at 17 Ill. Reg. 3038, effective February 23, 1993.

Section 1424.170 Emergency Medical Services

ALL/race/tracks/operating/during/the/period/within/which/they/are conducting/a/race/meeting/shall/furnish/a/licensed/physician/and/that/they/tracks/may/be/opened/for/racing/shall/furnish/a/registered/trained/nurse/to/render/medical/services/or/treatment/to/all/horsemen/exercise/body/grooming/other/persons/in/attendance/at/all/horsemen/such/meetings/without/charge/to/such/patients//The/operators/shall/also maintain/a/first/aid/station/or/examination/room/where/ambulatory/patients may/present/themselves/for/diagnosis/and/treatment/

Each organization licensee shall submit its emergency medical services plan to the Board, for the Board's approval, thirty (30) days prior to the start of its meet. The plan shall include all information relative to emergency medical services to be provided to racing participants and patrons, including but not limited to the name of any resource hospitals, agreements with any ambulance services (private and municipal), and the number and certification level of all emergency medical technicians. In approving an emergency medical service plan the Board shall consider the proximity of the racetrack to its resource hospital, the size of the racetrack, and the type of racing to be conducted at the racetrack. Each plan shall also be certified by the Illinois Department of Public Health, Division of Emergency Medical Services.

(Source: Amended at 17 Ill. Reg. 3038, effective February 23, 1993.)

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NOTICE OF ADOPTED AMENDMENTS

Section 1424.175 Manned Ambulance (Repealed)

~~operators/shall/furnish/d/manned/ambulance/ded/dy/that/their/main
tracks/day/be/opened/for/racing/or/exercising/horses/required/redy/for
immediate/duty/and/to/be/placed/at/the/entrance/to/the/racing/strip/
which/is/at/no/time/obstructed/by/people/vehicles/or/equipment/to/that
no/time/day/be/lost/in/time/of/emergency/all/operators/shall/furnish
said/ambulance/service/from/its/rack/to/the/headest/hospital/on/any
day/that/the/operator/is/racing/or/allowing/horses/to/exercise/~~

(Source: Repealed at 17 Ill. Reg. 3038, effective February 23, 1993)

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED RULES

1) Heading of the Part: Nursing Home Grant Assistance Act2) Code Citation: 86 Ill. Adm. Code 5353) Section Numbers: Adopted Action:

535.101	New Section
535.105	New Section
535.110	New Section
535.115	New Section
535.120	New Section
535.125	New Section
535.130	New Section
535.135	New Section
535.140	New Section
535.145	New Section

4) Statutory Authority: The Nursing Home Grant Assistance Act (P.A. 87-863, effective July 9, 1992)[305 ILCS 40\1 et seq.]5) Effective Date of Amendment(s): February 22, 19936) Does this rulemaking contain an automatic repeal date? No.7) Does this amendment contain incorporations by reference? No.8) Date Filed in Agency's Principal Office: February 22, 19939) Notice of Proposal Published in Illinois Register:

10/9/92, Issue #41, 16 Ill. Reg. 15340

10) Has ICAR issued a Statement of Objections to these Amendments? No.11) Differences between proposal and final version:

The following changes were made in response to suggestions of the Administrative Code Division of the Secretary of State:

1. The heading on all pages was changed to "NOTICE OF ADOPTED RULES."
2. In references to P.A. 87-863 that appear in the main authority note and Section 535.101(a), a reference to the effective date of the public act, "July 9, 1992," was added.

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NOTICE OF ADOPTED RULES

3. In Section 535.105 all definitions and subsequent indentations were moved to the right 5 additional spaces.
4. In the citation to Part 200 of the Illinois Administrative Code in Section 535.145(c), the word "Part" was deleted.
5. In Section 535.150 the year "1991" was added to the citation to the Illinois Revised Statutes.

In response to comments from the Illinois Health Care Association and Alden Management Services, Inc., the Department modified Section 535.135(d) as follows:

A qualified distribution agent that is unable to locate the legally authorized representative of an eligible individual that is deceased within 120 days from the date that payment was made to the qualified distribution agent by the Department shall ~~pay to the Department an amount equivalent to the amount of the return~~ the grant payment that remains undistributed to the Department.

As a result of the review of the Joint Committee on Administrative Rules, the Department made the following changes to the rulemaking:

1. To change the main Source not to read as follows:
SOURCE: Emergency rule adopted at 16 Ill. Reg. 16672, effective September 25, 1992, for a maximum of 150 days; amended at 17 Ill. Reg. _____, effective _____.
To change Subsection 535.101(a) as follows:
- a. Change the brackets around the Ill. Rev. Stat. citation to parenthesis,
- b. Change "par." to "pars." in the Ill. Rev. Stat. citation,
- c. Delete the comma following the Ill. Rev. Stat. citation, and Insert "[210 ILCS 45/1-101]" following the Ill. Rev. Stat. citation.
3. In the definition of "Eligible individual's annual income from all sources" in Section 535.105, to:
- a. Change "par." to "pars.",
- b. Insert a closing parenthesis after "et seq.",
- c. Insert "[35 ILCS 5/101-1701]" after "et seq.)."

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- d. Delete the second closing parenthesis following "ITA", and
- e. Change the last line of the last paragraph of the indented material under "eligible individual's annual income from all sources" by deleting "such." It will then read "Act by a distribution agent."
4. To change the last word of Subsection 535.110(c), to "payment" rather than "payments" and to realign the right margin of that paragraph to match that of subsection (d), below it.
5. To delete the opening parenthesis in front of Subsection 535.120(b).
6. To insert a comma following "Form NH-2" in Subsection 535.120(c).
7. In Subsection 535.135(d) to insert "shall" after "deceased" and delete "shall" after Department.
8. In Subsection 535.145(c), to insert "the" before "Department's" thus making the parenthetical read "(See Ill. Ad code 1200 for the Department's Hearing Rules.)"
9. In the first paragraph of Section 535.150, to:
- a. Insert a comma following "Ill. Rev. Stat. 1991" and
- b. Insert "[35 ILCS 120/1 et seq.]" following "et seq." in the citation to the Ill. Rev. Stat.

- 12) Have all the changes agreed upon by the agency and ICAR been made as indicated in the agreement letter issued by ICAR? Yes

- 13) Will this amendment replace an emergency amendment currently in effect? Yes

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Amendment(s): This rulemaking implements the Nursing Home Grant Assistance Act which provides for payments to certain individuals who reside in skilled nursing or intermediate long term care facilities. The rules explain the rights and responsibilities of long term care facilities and eligible individuals. The rules set forth provisions for determinations of eligibility, and explain the method by which payments will be made to eligible individuals.

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- 16) Information and questions regarding this adopted amendment shall be directed to:

Michael J. Wynne
General Counsel
Illinois Department of Revenue
Legal Services Bureau
101 West Jefferson
Springfield, Illinois 62708
Phone: (217) 785-8256

The full text of the Adopted Amendment begins on the next page:

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TITLE 86: REVENUE

CHAPTER I: DEPARTMENT OF REVENUE

PART 535

NURSING HOME GRANT ASSISTANCE ACT

Section	
535.101	Purpose of the Program
535.105	Definitions
535.110	Grant Applications/Distribution Agents
535.115	Determination of Eligibility
535.120	Certification by Distribution Agent
535.125	Payment of Fees by Distribution Agents
535.130	Qualified Distribution Agents
535.135	Distribution of Grant Payments by Qualified Distribution Agents
535.140	Alternative Means of Distribution to Eligible Individuals
535.145	Refunds
535.150	Assessments/Penalties

AUTHORITY: Implementing and authorized by the Nursing Home Grant Assistance Act (P.A. 87-863, effective July 9, 1992) [305 ILCS 40/1 et seq.].

SOURCE: Emergency rule adopted at 16 Ill. Reg. 15577, effective September 25, 1992, for a maximum of 150 days; adopted at 17 Ill. Reg. 3042 effective February 22, 1993.

Section 535.101 Purpose of the Program

- a) The Nursing Home Grant Assistance Act (P.A. 87-863, effective July 9, 1992) [305 ILCS 40/1 et seq.] ("the Act") is a remedial statute. The purpose of the Act is to provide for individuals in need of financial support and who reside in a skilled nursing or intermediate long term care facility that is licensed by the Illinois Department of Public Health under the Nursing Home Care Act (Ill. Rev. Stat. 1991, ch. 111 1/2, pars. 4151-101, et seq.) [210 ILCS 45/1-101], after June 30, 1992 and before July 1, 1993, whose nursing home care is not paid for, in whole or in part, by a federal, State, or combined Federal-State medical care program (other than Medicare Part B benefits), and whose annual adjusted gross income, after subtracting the amount of payments for nursing home care expenses, does not exceed 250% of the federal poverty guidelines for an individual as published annually by the U.S. Department of Health and Human Services for purposes of determining Medicaid eligibility, to receive financial assistance in the form of Nursing Home Grant Assistance grant payments distributed to them by the skilled nursing or intermediate long term care facility in which such individuals reside. (Section 5 of the Act)
- b) The Department is empowered by Section 40 of the Act to adopt necessary rules to implement this Act, and to use its emergency rulemaking authority to adopt initial rules. Under Section 20(b)(1)

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of the Act it is necessary to use the Nursing Home Grant Assistance Fund to disburse moneys for payment of grants to eligible individuals under the Act. Under Section 25 of the Act it is necessary to make such payments of grants to eligible individuals through the skilled nursing or intermediate long term care facility in which such individuals reside. Under Section 20 of the Act, within 10 days after receipt by the State Comptroller of the disbursement certification made by the Department, the State Comptroller shall cause warrants to be drawn for the respective amounts in accordance with the directions contained in that certification. To assure that eligible individuals receive the grant payments made to them through the skilled nursing or intermediate long term care facilities in which such individuals reside, the Department is empowered under Section 35 of the Act to impose penalties upon, and take action to collect such penalties against, these facilities for their failure to file the certifications required by the Act, to pay the fees due under the Act, and to distribute the grants to the individuals to whom payment is made.

Section 535.105 Definitions

For purposes of the Nursing Home Grant Assistance Act and this Part:

"Department" means the Illinois Department of Revenue.

"Eligible individual's annual income from all sources" and "annual adjusted gross income" have the same meaning as "adjusted gross income" in Section 2-203(a)(1) of the Illinois Income Tax Act (Ill. Rev. Stat. 1991, ch. 120, pars. 1-101 et seq.) [35 ILCS 5/101 et seq.] ("the IITA"), before the modifications thereto required by Section 2-203(a)(2) of the IITA. An individual, or the individual's legally authorized representative, may use the following amounts to determine adjusted gross income:

the amount reported by a resident on Line 1 of the IL-1040 individual Illinois income tax return filed by or on behalf of such resident for the tax year immediately preceding a certification filed under the Act by a distribution agent; or the amount reported by a resident on Line 31 of the U.S. 1040, or Line 16 of the U.S. 1040A, or Line 3 of the U.S. 1040EZ individual federal income tax returns filed by or on behalf of such resident for the tax year immediately preceding a certification filed under the Act by a distribution agent.

"Eligible individual's legally authorized representative" has the same meaning as "resident's representative" in Section 1-123 of the Nursing Home Care Act.

"Expenses for nursing home care" means all amounts paid by a resident, or on behalf of a resident, for personal care provided to the resident by a nursing home, or for personal care provided to the resident on

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the nursing home premises, or such personal care as cannot reasonably be provided on the premises, by someone other than the nursing home. In the case of an individual who has been a resident in a nursing home for a full 12 month period prior to the first day for which nursing home grant assistance is sought, "expenses for nursing home care" means the amount of such expenses for that 12 month period, or calendar year 1991. In the case of an individual who has been a resident in a nursing home for less than a 12 month period prior to the first day for which nursing home grant assistance is sought, "expenses for nursing home care" means that individual's average monthly expense for nursing home care for such period of residence multiplied by 12.

"Nursing home" means a skilled nursing or intermediate long term care facility that is subject to licensure by the Illinois Department of Public Health under the Nursing Home Care Act.

"Nursing Home Grant Assistance payment" means a payment made by the Comptroller to an eligible individual under the Act in the amount certified to the Comptroller for such individual by the Department.

"Occupied bed" days means the sum for all beds of the number of days during a quarter for which grant assistance is sought under the Act on which a bed is occupied by an individual. Bed hold days are not included by this definition.

"Personal care" has the same meaning as in Section 1-120 of the Nursing Home Care Act.

Section 535.110 Grant Applications/Distribution Agents

- a) An application under the Act is completed by the payment on or after July 1, 1992, by an eligible individual of at least \$1.00 in a calendar quarter to a nursing home and by the receipt by a nursing home of at least \$1.00 from an eligible individual that is a resident of the home.
- b) A nursing home which receives one or more applications under the Act is a "distribution agent" under that Act. A distribution agent is required to gather such information, submit such certifications and distribute such payments as are required to be gathered, submitted and distributed by the Act. A distribution agent, and the responsible officers and employees of such an agent, are subject to penalties and enforcement action under the Act and this Part for failing to perform such functions as are required by the Act for submitting certifications to the Department, receiving grant payments from the Department and making grant distributions to eligible individuals.
- c) A nursing home must at all times maintain for its records, subject to inspection by the Department, a statement signed and executed by each eligible individual or the eligible individual's legally authorized

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representative in substantially the following form:

I (eligible individual's name), for purposes of receiving such payments as I may be entitled to receive under the Nursing Home Grant Assistant Act, do hereby authorize (distribution agent's name) to disclose to the Illinois Department of Revenue that:

My name is: _____;

My Social Security Number is: _____;

I am not a recipient of federal, State, or combined federal and State medical care program payments (other than Medicare Part B benefits);

My Annual Adjusted Gross Income After Subtraction For Nursing Home Care Expenses not paid for, in whole or in part, by a federal, State, or combined federal-State medical care program (other than Medicare Part B benefits), is: \$ _____; and

I understand that the (distribution agent's name) is required to pay to the Department of Revenue a fee of \$1.00 per occupied bed day after June 30, 1992 and before July 1, 1993, and that (distribution agent's name) is prohibited by law from passing on to me, or otherwise charging to me, directly or indirectly, the \$1.00 fee.

Signed: (eligible individual's signature)
Eligible Individual's Printed Name
Date: _____

Such a statement shall be made for each eligible individual in the first quarter for which such individual becomes eligible to receive a Nursing Home Grant Assistance Act payment.
d) A distribution agent that receives Nursing Home Grant Assistance Act grant payments for an individual for whom no statement was executed

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and maintained as required by subsection (c) above, will be presumed to have received a grant payment and not have distributed the payment to the eligible individual within two working days from the date of receipt and shall be subject to the penalties applicable under the Act for such failure, as provided by Section 535.150 of this Part.

Section 535.115 Determination of Eligibility

An individual who is a resident in a nursing home during one or more days after June 30, 1992 and before July 1, 1993 is eligible to receive assistance under the Act if he or she meets the following criteria:

- For each day for which nursing home grant assistance is sought, the individual's nursing home care was not paid for, in whole or in part, by a federal, State, or combined federal-State medical care program (other than Medicare Part B benefits); and
- The individual's annual adjusted gross income, after payment of expenses for nursing home care, does not exceed 250% of the federal poverty guidelines for an individual as published annually by the U.S. Department of Health and Human Services for purposes of determining Medicaid eligibility. (Section 5 of the Act)

Section 535.120 Certification by Distribution Agent

- A Nursing Home Grant Assistance Certification ("Certification") shall consist of two forms issued by the Department: Form NH-1, Nursing Home Grant Assistance Certification and Form NH-2, Individuals Eligible For Grant. A Certification is not timely filed unless both Form NH-1 and Form NH-2 are filed with the Department on or before the due date for the Certification.
 - the total number of occupied bed days during the quarter, multiplied by \$1.00;
 - the total amount of the fee due to the Department.
- On or before the last day of September, December, March and June a nursing home that is a distribution agent under the Act shall file with the Department Form NH-1 of the Certification. Form NH-1 of the Certification shall contain the following information:
 - the total number of occupied bed days during the quarter, multiplied by \$1.00;
 - the total amount of the fee due to the Department.
- On or before the last day of September, December, March and June a nursing home that is a distribution agent under the Act shall file with the Department Form NH-2 of the Certification. Form NH-2 of the Certification shall contain the following information:
 - Distribution Agent Information. The Certification shall contain the name and address of the distribution agent, as well as:
 - the number of the license issued to the distribution agent under the Nursing Home Care Act by the Illinois Department of Public Health;
 - the distribution agent's Federal Employer Identification Number; and
 - the distribution agent's Illinois Business Identification Number.

2) Total Grant Calculation. The Certification shall disclose, for the quarter immediately preceding the quarter for which a certification is filed:

A) the name and social security number of each eligible individual and the total number of eligible individuals for whom a written authorization has been executed and is maintained on file as required by Section 535.110 of this Part; and

B) the total number of occupied bed days for each eligible individual included in the Certification, and the total number of occupied bed days for all eligible individuals.

Section 535.125 Payment of Fees by Distribution Agents

The total amount of fees shown in the Certification shall be paid to the Department with Form NH-1 of the Certification filed with the Department. A distribution agent shall compute the fee as provided in Section 535.120(b) of this Part. A Certification shall be considered late, and the distribution agent shall be subject to penalties under the Act, if the postmark date is after the last day of September, December, March and June.

Section 535.130 Qualified Distribution Agents

a) Only a qualified distribution agent may receive Nursing Home Grant Assistance payments for distribution to eligible individuals. A distribution agent must be a qualified distribution agent each quarter that a Certification is due. A distribution agent is a qualified distribution agent only if:

1) the Certification is timely filed on or before the due date for filing of the Certification;

2) the Certification filed with the Department is accompanied by payment in full of the amount of fee shown to be due on the Certification.

b) The Department may periodically verify any information provided in a Certification. The Department may also periodically verify that Nursing Home Grant Assistance Payments sent to a distribution agent were in fact timely distributed to eligible residents, and that the distribution agent did not charge residents for the amount of the fee paid by the distribution agent to the Department. Following such verification, the Department may give written notification to a distribution agent that, based on the information obtained through the verification process, the distribution agent will no longer be a qualified distribution agent for purposes of distributing grants. Such a notification does not exempt the distribution agent from the requirement that a Certification be filed and that it pay the fee shown to be due therein.

Section 535.135 Distribution of Grant Payments by Qualified Distribution Agents

a) The Department shall cause Nursing Home Grant Assistance grant payments to be issued to qualified distribution agents. If the amount appropriated or available in the fund is insufficient to meet all or part of any quarterly payment certification, then the total amount appropriated or available, after subtracting 2 1/2% of that amount, shall be divided by the total amount of the quarterly grant certification. The factor resulting from that calculation shall be applied to the total amount of each Nursing Home Grant Assistance payment.

b) Nursing Home Grant Assistance payments must be distributed by a qualified distribution agent to the named payee within 2 working days after the date received by the distribution agent.

c) In order to avoid the imposition of penalties as provided by the Act, a qualified distribution agent should notify the Department in writing as soon as it becomes aware that it will not be able to make a distribution of Nursing Home Grant Assistance payments to one or more eligible individuals, or to the legally authorized representative of a deceased eligible individual, within the time required by the Act. The written notification should state the reason for the delay in making timely distribution and the expected date on which payment is expected to be made. The written notification should be made on or before the expiration of the 48 hour (or two business days) period for distributing grant payments to an eligible individual, or on or before the 30th day of the period for distributing a grant payment to the legally authorized representative of an eligible individual that is deceased. Where an eligible individual is deceased and payment must be made to the eligible individual's legally authorized representative, the failure to give the written notification herein specified shall submit the qualified distribution agent to the imposition of penalties under the Act notwithstanding that the grant payment is made to the legally authorized representative after the 30th day and on or before the 120th day provided in Section 30 of the Act, and notwithstanding that the undistributed grant payment is returned to the Department within the 120 day period provided in Section 30 of the Act.

d) A qualified distribution agent that is unable to locate the legally authorized representative of an eligible individual that is deceased shall within 120 days from the date that payment was made to the qualified distribution agent by the Department return the grant payment that remains undistributed to the Department.

Section 535.140 Alternative Means of Distribution to Eligible Individuals

When a distribution agent files a Certification but does not become a qualified distribution agent with respect to the quarter for which Nursing Home Grant Assistance is sought on behalf of eligible individuals, the Department shall not issue a Nursing Home Grant Assistance grant payment to the distribution agent to be distributed to eligible individuals. In such cases, the Department shall notify the distribution agent that it is not a qualified distribution

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agent authorized to receive Nursing Home Grant Assistance grant payments on behalf of eligible individuals included in the Certification filed by the distribution agent. Such a notification does not exempt the distribution agent from the requirement in a subsequent quarter that a Certification be filed and that it pay the fee shown to be due therein. Where such notification is issued, the Department shall distribute Nursing Home Grant Assistance grant payments through other reasonable means to each eligible individual or, where the eligible individual is deceased, to the legally authorized representative of an eligible individual.

Section 535.145 Refunds

- a) An overpayment with respect to one quarter for which a Certification is filed cannot be claimed through an off-set or other deduction against the amount of fee due in a subsequent Certification.
- b) A claim for refund of an overpayment of a fee under the Act may be filed with the Department only if a Certification was filed for the grant period for which a refund is claimed. Every claim for refund shall be in writing, shall be on the appropriate form prescribed by the Department, and (using attachments if necessary) shall state the specific grounds upon which the claim is founded, and identify the specific period(s) and related amount(s).
- c) The Department shall examine a claim for refund as soon as practicable after it is filed to determine the correct amount of fee and the amount of any refundable overpayment to which the claimant may be entitled, in connection with the Certification with respect to which an overpayment is alleged. If the Department finds the claimant entitled to a refund in any amount it shall issue a notice of refund. If the Department fails to approve or deny the claim before the expiration of 6 months from the date the claim was filed, the claimant may nevertheless thereafter file with the Department a written protest within 60 days after the expiration of the 6 month period. If a protest is filed the Department shall consider the claim and, if the claimant has so requested, shall grant the claimant or the claimant's authorized representative a hearing within 6 months after the date such request is filed. (See Ill. Adm. Code 200 for the Department's Hearing Rules.) The procedure for protest shall be the same in all other cases in which the Department issues a denial of the claim within 6 months from the date the claim was filed, but the protest must be filed within 60 days after the date the Department denies the claim.
- d) No claim shall be filed and no refund shall be allowed or made if the claimant files a claim for refund after the expiration of a three year period after the earlier of the date the Certification was filed or the date the Certification was due.

Section 535.150 Assessments/Penalties

Section 35(c) of the Act incorporates by reference certain provisions of the

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Retailers' Occupation Tax Act. (Ill. Rev. Stat. 1991, ch. 120, pars. 440, et seq.) [35 ILCS 120/1, et seq.] (the "ROTA") The Act authorizes the Department to issue notices assessing liability for amounts of fees which are due and owing the Department and for penalties that are imposed and become due under the Act.

- a) As soon as practicable after a Certification is filed, the Department shall examine such Certification and shall, if necessary, correct such Certification according to its best judgement and information. Except in the case of a fraudulent Certification, no notice of assessment for a deficiency resulting from a correction made by the Department shall be issued on or after 3 years after the later of the date the Certification was due or the date the Certification was filed.
- b) In case any distribution agent fails to file a Certification when and as required by the Act, the Department shall determine the amount of fees due from the distribution agent according to the Department's best judgement and information. In such a case, and in case any distribution agent files a Certification at the time required by the Act, but fails to pay the fees, or any part thereof, when due, the Department shall issue a notice of assessment for the amount of the deficiency resulting from the failure to pay the amount determined by the Department to be due, or such amount as was reported in the Certification but for which payment was not made to the Department by the distribution agent. Section 35(c)(2) incorporates Section 5 of the ROTA, except that the penalty amounts provided for in the Act shall control. Accordingly, a notice of assessment under this subsection may include an amount equivalent to the underpayment of fees due from a distribution agent or a qualified distribution agent and, in addition to that amount, an amount equal to 100% of the underpayment. Except in case of failure to file a Certification, or with the consent of the person to whom the notice of assessment is to be issued, no notice of assessment shall be issued on and after each July 1 and January 1 covering fees due during any month or period of time more than 3 years prior to such July 1 and January 1, respectively.
- c) An amount of penalty imposed pursuant to Section 35(a) of the Act, and an amount of penalty imposed pursuant to Section 35(b) of the Act may be included in a notice of assessment issued to a qualified distribution agent. A notice of assessment including an amount of penalty imposed pursuant to Section 35(a) or Section 35(b) of the Act may be issued at any time.
- d) An amount of penalty imposed pursuant to Section 35(c)(4) of the Act may be included in a notice of assessment.
- e) If a protest to a notice of assessment is not filed within 60 days after such notice, such notice of assessment shall become final without the necessity of a final assessment being issued and shall be deemed to be a final assessment. If a distribution agent files a protest to a notice of assessment within 60 days after such notice, and the protest requests a hearing thereon, the Department shall give notice to the distribution agent of the time and place fixed for such

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hearing and shall hold a hearing in conformity with such provisions of the ROTA as are incorporated by reference by the Act, and pursuant thereto shall issue a final assessment to such distribution agent or to the legal representative of such person for the amount found to be due as a result of such hearing.

- f) In addition to the penalties provided for in the Act, any fee that is not paid when due shall bear interest at the rate provided for in Section 5 of the ROTA, incorporated by Section 35(c)(2) of the Act, from the date when such fee becomes past due until such fee is paid or a judgement therefor is obtained by the Department.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLYSTATEMENT OF OBJECTION TO
EMERGENCY RULEMAKING

ILLINOIS HEALTH FACILITIES PLANNING BOARD

Heading of Part: Health Care Worker Self-Referral

Code Citation: 77 Ill Adm Code 1235

Date Originally Published in the Illinois Register:

1/8/93

17 Ill Reg 432

At its meeting on February 17, 1993, the Joint Committee on Administrative Rules objected to the emergency rules of the Health Facilities Planning Board entitled Health Care Worker Self-Referral (77 Ill Adm Code 1235), because the Board has stated an incorrect date of 7/1/93, rather than 7/1/92, as the date by which a health care worker must have acquired an investment interest.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
ILLINOIS GENERAL ASSEMBLY

STATEMENT OF OBJECTION TO
PEREMPTORY RULEMAKING

TREASURER

Heading of Part: Smart Money Program Confidentiality Requirements

Code Citation: 74 Ill Adm Code 730

Date Originally Published in the Illinois Register: 2/5/93
17 Ill Reg 1671

At its meeting on February 17, 1993, the Joint Committee on Administrative Rules objected to the peremptory rules of the Treasurer entitled "Smart Money Program Confidentiality Requirements" (74 Ill Adm Code 730) because it fails to fulfill the statutory elements for peremptory rulemaking under Section 5-50 of the IAPA. In addition, subject matter elements suggested by federal rules, such as exceptions/procedures to the overall confidentiality policy, are not present in the rulemaking.

Failure of the agency to respond within 90 days after receipt of the Statement of Objection shall be deemed a refusal.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

NOTICE OF FAILURE TO REMEDY

DEPARTMENT OF PUBLIC AID

1) Heading of Part: Medical Payment

2) Code Citation: 89 Ill Adm Code 140

3) Section Numbers: 140.492 Action: Refusal to remedy in response to JCAR Objections

4) Notice of Proposal published in Illinois Register: 16 Ill. Reg. 13397
September 4, 1992

5) Date JCAR issued Objection: 17 Ill. Reg. 1241 1/12/93

6) Summary of Action taken by the Agency: The Committee Objected to the rulemaking of the Department of Public Aid because the Department's failure to allow for separate payment for oxygen when Medicaid clients receive ALS services, contrary to statutory intent expressed in PA 87-1199, results in economic hardship for ambulance companies providing the service. On February 3, 1993, DPA responded to the Objection.

At the February 17, 1993 meeting, JCAR determined that the response failed to remedy the Objection. This Notice of the Failure to Remedy the Objection is published in accordance with 1 Ill Adm Code 220.1300.

JOINT COMMITTEE ON ADMINISTRATIVE RULES
STRATTON OFFICE BUILDING
ROOM A-1
SPRINGFIELD, ILLINOIS
10:00 A.M.
MARCH 9, 1993

NOTICE: It is the policy of the Committee to allow only representatives of state agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

Joint Committee on Administrative Rules
700 Stratton Building
Springfield, Illinois 62706

AGENDA

I. Approval of February 17, 1993 Minutes

II. Review of Proposed Agency Rulemaking

Aging

1. Community Care Program (89 Ill Adm Code 240)
 - First Notice Published: 16 Ill Reg 15203 - 10/9/92
 - Expiration of Second Notice Period: 3/22/93

Central Management Services

2. Conditions of Employment (80 Ill Adm Code 303)
 - First Notice Published: 16 Ill Reg 19285 - 12/18/92
 - Expiration of Second Notice Period: 3/19/93

3. Pay Plan (80 Ill Adm Code 310)
 - First Notice Published: 16 Ill Reg 18139 - 12/4/92
 - Expiration of Second Notice Period: 3/25/93

Commerce Commission

4. Telecommunications Access for the Hearing and Voice Impaired (83 Ill Adm Code 755)
 - First Notice Published: 16 Ill Reg 16709 - 11/6/92
 - Expiration of Second Notice Period: 4/1/93

Commerce and Community Affairs

5. Emergency Community Services Homeless Grant Program (47 Ill Adm Code 125)
 - First Notice Published: 16 Ill Reg 18879 - 12/11/92
 - Expiration of Second Notice Period: 3/22/93

6. Service Delivery System and State Responsibilities (56 Ill Adm Code 2600)
 - First Notice Published: 16 Ill Reg 7210 - 5/8/92
 - Expiration of Second Notice Period: 3/29/93

Comptroller

7. Americans With Disabilities Act Grievance Procedure (4 Ill Adm Code 775)
 - First Notice Published: 16 Ill Reg 13710 - 9/11/92
 - Expiration of Second Notice Period: 3/22/93

Environmental Protection Agency

8. Procedures for Operation of the Non-Hazardous Solid Waste Fee System (35 Ill Adm Code 858)
 - First Notice Published: 16 Ill Reg 4621 - 3/27/92
 - Expiration of Second Notice Period: 3/19/93

9. Annual Emissions Report (35 Ill Adm Code 254)
 - First Notice Published: 16 Ill Reg 17195 - 11/13/92
 - Expiration of Second Notice Period: 3/24/93

Insurance

10. Actuarial Opinion and Memorandum (50 Ill Adm Code 1408)
 - First Notice Published: 16 Ill Reg 8735 - 6/12/92
 - Expiration of Second Notice Period: 3/26/93

Mental Health and Developmental Disabilities

11. Early Intervention Program (59 Ill Adm Code 121)
 - First Notice Published: 16 Ill Reg 15715 - 10/16/92
 - Expiration of Second Notice Period: 3/18/93

12. Certification Under Medicaid Rehabilitation Option for Early Intervention Programs (59 Ill Adm Code 122)
 - First Notice Published: 16 Ill Reg 15691 - 10/16/92
 - Expiration of Second Notice Period: 3/18/93

Public Aid

13. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 16 Ill Reg 17956 - 11/30/92
-Expiration of Second Notice Period: 3/19/93
14. Food Stamps (89 Ill Adm Code 121)
-First Notice Published: 16 Ill Reg 15813 - 10/16/92
-Expiration of Second Notice Period: 3/22/93
15. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 16 Ill Reg 16495 - 10/30/92
-Expiration of Second Notice Period: 3/22/93
16. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113)
-First Notice Published: 16 Ill Reg 17047 - 11/6/92
-Expiration of Second Notice Period: 3/22/93
17. Medical Payment (89 Ill Adm Code 140)
-First Notice Published: 16 Ill Reg 17049 - 11/6/92
-Expiration of Second Notice Period: 3/22/93
18. Aid to Families with Dependent Children (89 Ill Adm Code 112)
-First Notice Published: 16 Ill Reg 18216 - 12/4/92
-Expiration of Second Notice Period: 4/1/93

Public Health

19. Repeal of Financial and Economic Feasibility Review and Evaluation Plan (77 Ill Adm Code 1230)
-First Notice Published: 16 Ill Reg 5187 - 4/3/92
-Expiration of Second Notice Period: 4/8/93

Public Health/Health Facilities Planning Board

20. Repeal of Financial and Economic Feasibility Review and Evaluation Plan (For ALL Long-Term Care and Chronic Disease Facilities) (77 Ill Adm Code 1240)
-First Notice Published: 16 Ill Reg 5225 - 4/3/92
-Expiration of Second Notice Period: 4/8/93

Rehabilitation Services

21. Non-Financial Eligibility Criteria (89 Ill Adm Code 685)
-First Notice Published: 16 Ill Reg 18947 - 12/11/92
-Expiration of Second Notice Period: 3/22/93
22. Non-Academic Programs and Policies (89 Ill Adm Code 830)
-First Notice Published: 16 Ill Reg 18759 - 12/4/92
-Expiration of Second Notice Period: 3/22/93

23. Auxiliary Aids (89 Ill Adm Code 540)
-First Notice Published: 16 Ill Reg 20088 - 12/28/92
-Expiration of Second Notice Period: 4/7/93
24. Rules of Conduct (89 Ill Adm Code 827)
-First Notice Published: 17 Ill Reg 77 - 1/4/93
-Expiration of Second Notice Period: 4/7/93
- Secretary of State
25. Issuance of Licenses (92 Ill Adm Code 1030)
-First Notice Published: 16 Ill Reg 12138 - 7/31/92
-Expiration of Second Notice Period: 3/18/93
26. Procedures and Standards (92 Ill Adm Code 1001)
-First Notice Published: 16 Ill Reg 19761 - 12/18/92
-Expiration of Second Notice Period: 3/22/93
- Transportation
27. Construction in Floodways of Rivers, Lakes and Streams (92 Ill Adm Code 700)
-First Notice Published: 16 Ill Reg 17235 - 11/13/92
-Expiration of Second Notice Period: 4/12/93
28. Regulation of Public Waters (92 Ill Adm Code 704)
-First Notice Published: 16 Ill Reg 17244 - 11/13/92
-Expiration of Second Notice Period: 4/12/93
- Treasurer
29. Merit and Fitness (80 Ill Adm Code 620)
-First Notice Published: 16 Ill Reg 15347 - 10/9/92
-Expiration of Second Notice Period: 3/22/93
- III. Certification of No Objection to Proposed Rulemaking
- IV. Review of Emergency and Peremptory Rulemakings
- Agriculture
30. Meat and Poultry Inspection Act (8 Ill Adm Code 125) (Peremptory)
-Notice Published: 17 Ill Reg 2063 - 2/16/93
- Central Management Services
31. Acquisition, Management and Disposal of Real Property (44 Ill Adm Code 5000) (Emergency)
-Notice Published: 17 Ill Reg 2361 - 2/19/93

Children and Family Services

32. Services Delivered by the Department (89 Ill Adm Code 302) (Emergency)
-Notice Published: 17 Ill Reg 2513 - 2/26/93

Health Care Cost Containment Council

33. Data Collection (77 Ill Adm Code 2510) (Emergency)
-Notice Published: 17 Ill Reg 2031 - 2/16/93

Public Aid

34. Related Program Provisions (89 Ill Adm Code 117) (Emergency)
-Notice Published: 17 Ill Reg 2368 - 2/19/93

Public Health

35. Intermediate Care for the Developmentally Disabled Facilities Code (77 Ill Adm Code 350) (Emergency)
-Notice Published: 17 Ill Reg 2373 - 2/19/93

36. Long-Term Care for Under Age 22 Facilities Code (77 Ill Adm Code 390) (Emergency)
-Notice Published: 17 Ill Reg 2390 - 2/19/93

37. Sheltered Care Facilities Code (77 Ill Adm Code 330) (Emergency)
-Notice Published: 17 Ill Reg 2405 - 2/19/93

38. Skilled Nursing and Intermediate Care Facilities Code (77 Ill Adm Code 300) (Emergency)
-Notice Published: 17 Ill Reg 2420 - 2/19/93

Secretary of State

39. Procedures and Standards (92 Ill Adm Code 1001) (Emergency)
-Notice Published: 17 Ill Reg 2047 - 2/16/93

Student Assistance Commission

40. Guaranteed Loan Programs (23 Ill Adm Code 2720) (Emergency)
-Notice Published: 17 Ill Reg 2055 - 2/16/93

V. Agency Responses to Joint Committee Action

Environmental Protection Agency

41. Processing Claims for Payment from the Underground Storage Tank Fund (35 Ill Adm Code 876)
-First Published: 10/16/92
-Objection Date: 11/17/92
-Response: Agreement to pursue recommendation

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of February 17, 1993 through February 23, 1993, and have been scheduled for review by the Committee at its March 9, 1993 meeting. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Office Bldg., Springfield, IL 62706.

<u>Second Notice Expires</u>	<u>Agency and Rule</u>	<u>Start of First Notice</u>	<u>JCAR Meeting</u>
4/1/93	<u>Department of Public Aid, Aid to Families with Dependent Children (89 III Adm Code 112)</u>	12/4/92 16 III Reg 18216	3/9/93
4/1/93	<u>Illinois Commerce Commission, Telecommunications Access for the Hearing and Voice Impaired (83 III Adm Code 755)</u>	11/6/92 16 III Reg 16709	3/9/93
4/7/93	<u>Department of Rehabilitation Services, Rules of Conduct (89 III Adm Code 827)</u>	1/4/93 17 III Reg 77	3/9/93
4/7/93	<u>Department of Rehabilitation Services, Auxiliary Aids (89 III Adm Code 540)</u>	12/28/92 16 III Reg 20088	3/9/93
4/8/93	<u>Department of Public Health, Repeal of Financial and Economic Feasibility Review and Evaluation Plan (77 III Adm Code 1230)</u>	4/3/92 16 III Reg 5187	3/9/93
4/8/93	<u>Department of Public Health/Health Facilities Planning Board, Repeal of Financial and Economic Feasibility Review and Evaluation Plan (For ALL Long-Term Care and Chronic Disease Facilities) (77 III Adm Code 1240)</u>	4/3/92 16 III Reg 5225	3/9/93

93-038

FRANK W. CONSIDINE DAY

Whereas, Frank W. Considine exemplifies the character and commitment that mark a life of service and distinction. His integrity and acumen extend well beyond the boardroom and are recognized by countless individuals and organizations in the Chicago area; and

Whereas, Frank serves as honorary chairman and chairman of the executive committee of American National Can Company; and Whereas, he is involved in a number of civic and cultural programs, serving as chairman of the Board of Trustees of Loyola University in Chicago, chairman of the Board of Trustees for the Field Museum of Natural History, and a trustee of the Museum of Science and Industry; and

Whereas, on February 11, 1993, Frank will receive the Abraham Lincoln Centre's Humanitarian Service Award, which is the Centre's way of expressing recognition and gratitude to him for his innumerable accomplishments and the values and sense of purpose he brings to the challenges in our community;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim February 11, 1993, as FRANK W. CONSIDINE DAY in Illinois and commend him on the contributions he has made to people of Illinois.

Issued by the Governor February 10, 1993.

Issued by the Governor February 10, 1993.
Filed with the Secretary of State February 19, 1993.

93-039

LONG-TERM CARE ADMINISTRATORS WEEK

Whereas, Long-Term Care Administrators care for our loved ones and strive to provide their residents the opportunity to experience the highest quality of life; and

Whereas, Long-Term Care Administrators work long hours experience the highest quality of life; and maintaining the quality of care given in their facilities and continuously striving to improve their facilities; and

Whereas, Long-Term Care Administrators are bound by numerous regulations and budgetary constraints, yet they succeed in performing their duties while motivating their staff;

performing their duties while motivating their staff. Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim March 22-28, 1993, as LONG-TERM CARE ADMINISTRATORS WEEK in Illinois in recognition of our state's 1,925 licensed long-term care administrators.

Issued by the Governor February 10, 1993.

Issued by the Governor February 19, 1993.
Filed with the Secretary of State February 19, 1993.

ILLINOIS REGISTER

3067

93

93-040
NURSING HOME WEEK

Whereas, Illinois' long-term care facilities are dedicated to providing the finest quality health care for our convalescent, aged, and chronically ill citizens; and

Whereas, these nursing facility providers have demonstrated their dedication to the well-being of our citizens by continually striving to upgrade standards of care and service; and

Whereas, member facilities of the Illinois Health Care Association are sponsoring a number of activities in observance of National Nursing Home Week May 9-15;

Therefore, I, Jim Edgar, Governor of the State of Illinois, proclaim May 9-15, 1993, as NURSING HOME WEEK in Illinois to express appreciation for the high standards of care these long-term facilities provide for our citizens.

Issued by the Governor February 10, 1993.

Filed with the Secretary of State February 19, 1993.

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ACTION CODES	
A - Adopted Rule	P - Proposed Rule
AR - Adopted Repealer	PF - Prohibited Filing Order by JCAR*
C - Notice of Corrections	PP - Peremptory or Court Ordered Rules
CC - Codification Changes	PR - Proposed Repealer
E - Emergency Rule	R - Refusal to meet JCAR Objection
ER - Emergency Repealer	RC - Statement of Recommendation
M - Modification to meet JCAR objections	S - Suspension ordered by JCAR
O - JCAR Statement of Objections	W - Withdrawal to meet JCAR Objections
RQ - Request for Correction	
EC - Expedited Corrections	
*Joint Committee on Administrative Rules	

ALL RULES ARE LISTED BY PART NUMBER AND HEADING ONLY. (FOR ACTION ON SPECIFIC SECTIONS, PLEASE REFER TO THE SECTIONS AFFECTED INDEX.) IF THERE ARE ANY QUESTIONS, PLEASE CONTACT THE ADMINISTRATIVE CODE DIVISION AT (217) 782-9786.

ABANDONED MINED LANDS RECLAMATION COUNCIL

- 4 Ill. Adm. Code 1000 Americans With Disabilities Act Grievance Procedure (A-20092/92; CC-1673)
- AGING, DEPARTMENT ON**
 - 89 Ill. Adm. Code 240 Community Care Program (P-12251/92; A-224)
 - 89 Ill. Adm. Code 220 General Programmatic Requirements (P-883) (E-1179)

AGRICULTURE, DEPARTMENT OF

- 4 Ill. Adm. Code 550 Americans With Disabilities Act Grievance Procedure (A-11744/92; CC-1673)
- 8 Ill. Adm. Code 65 Egg & Egg Products Act (P-527)
- 8 Ill. Adm. Code 256 Lawncare Wash Water & Rinsate Collection (P-14975/92; A-2189)
- 8 Ill. Adm. Code 125 Meat & Poultry Inspection Act (PP-2063)
- 8 Ill. Adm. Code 750 Sustainable Agriculture (P-1251)

ALCOHOLISM AND SUBSTANCE ABUSE, DEPARTMENT OF

- 4 Ill. Adm. Code 500 Americans With Disabilities Act Grievance Procedure (A-11426/92; CC-1673)

ATTORNEY GENERAL

- 4 Ill. Adm. Code 125 Americans With Disabilities Act Grievance Procedure (P-2283/92; A-1811)

BANKS AND TRUST COMPANIES, COMMISSIONER OF

- 4 Ill. Adm. Code 375 Americans With Disabilities Act Grievance Procedure (A-15976/92; CC-1673)

CAPITAL DEVELOPMENT BOARD

- 4 Ill. Adm. Code 725 Americans With Disabilities Act Grievance Procedure (A-11432/92; CC-1673)

CENTRAL MANAGEMENT SERVICES, DEPARTMENT OF

- 44 Ill. Adm. Code 5000 Acquisition, Management & Disposal of Real Property (P-11378/92; A-1006) (P-2105) (E-2361)
- 80 Ill. Adm. Code 310 Pay Plan (P-191; C-672) (P-13679/92; A-238) (PP-498) (P-13179/92; A-590) (P-14001/92; A-1819)
- 80 Ill. Adm. Code 2650 Solicitation for Charitable Payroll Deductions (P-2449)
- 44 Ill. Adm. Code 1 Standard Procurement (P-12808/92; A-600)

CHILDREN AND FAMILY SERVICES, DEPARTMENT OF

- 89 Ill. Adm. Code 304 Access to & Eligibility for Child Welfare Services (P-7545/92; A-251)
- 89 Ill. Adm. Code 336 Appeal of Child Abuse & Neglect Investigation Findings (P-7963/92; A-1026)
- 89 Ill. Adm. Code 330 Child Custody Investigations & Supervision Related to Custodian or Visitation Judgements (P-1259)
- 89 Ill. Adm. Code 377 Facilities & Programs Exempt from Licensure (P-7553/92; A-259)
- 89 Ill. Adm. Code 402 Licensing Standards for Foster Family Homes (P-11707/92; A-267)
- 89 Ill. Adm. Code 378 Multiple Licensure (PR-7561/92; AR-272)
- 89 Ill. Adm. Code 309 Review & Appeal Process (PR-7982/92; AR-1044)
- 89 Ill. Adm. Code 337 Service Appeal Process (P-7999/92; A-1046)
- 89 Ill. Adm. Code 302 Services Delivered by the Department (P-7565/92; A-274) (P-2460) (E-2513)

COMMERCE COMMISSION, ILLINOIS

- 4 Ill. Adm. Code 400 Americans With Disabilities Act Grievance Procedure (A-12439/92; CC-1673)
- 83 Ill. Adm. Code 305 Construction of Electric Power & Communication Lines (P-2462)
- 83 Ill. Adm. Code 756 Dual Party Relay Service (P-14004/92; A-1848)
- 92 Ill. Adm. Code 1360 Equipment Leases (P-1685)
- 83 Ill. Adm. Code 590 Minimum Safety Standards for Transportation of Gas & For Gas Pipeline Facilities (P-2466)
- 83 Ill. Adm. Code 255 Notice Requirements for Change in Rates for Cooling, Electric, Gas, Heating, Telecommunications, Sewer or Water Services (P-13703/92; A-798)
- 83 Ill. Adm. Code 315 Pole Attachment Rates, Terms & Conditions Applicable to Cable Television Companies & Electric & Telephone Public Utilities (P-202)
- 83 Ill. Adm. Code 280 Procedures for Gas, Electric, Water & Sanitary Sewer Utilities Governing Eligibility for Service, Deposits, Payment Practices & Discontinuance of Services (P-12810/92; A-805)
- 83 Ill. Adm. Code 275 Promotional Practices of Electric & Gas Public Utilities (P-8269/92; A-98; RQ-2075)

COMMERCE AND COMMUNITY AFFAIRS, DEPARTMENT OF

- 4 Ill. Adm. Code 575 Americans With Disabilities Act Grievance Procedure (A-14621/92; CC-1673)
- 14 Ill. Adm. Code 520 Enterprise Zone Program (P-13691/92; A-1837)
- 1 Ill. Adm. Code 300 Small Business Impact Analysis Procedures (P-11391/92; A-1511)
- 47 Ill. Adm. Code 130 State Administration of the Ill. Neighborhood Corps Program (PR-1)

COMMUNITY COLLEGE BOARD, ILLINOIS	23 Ill. Adm. Code 1501	Administration of the Ill. Public Community College Act (P-12274/92; A-1853)
CONSERVATION, DEPARTMENT OF		
17 Ill. Adm. Code 590	Duck, Goose & Coot Hunting (E-1658)	
17 Ill. Adm. Code 720	Taking of Wild Turkeys-Fall Archery Season (P-15260/92; A-281)	
17 Ill. Adm. Code 670	White-Tailed Deer Hunting by Use of Bow and Arrow (P-15265/92; A-286)	
CORRECTIONS, DEPARTMENT OF		
20 Ill. Adm. Code 440	Advocacy Services (P-16371/92; AR-1519)	
4 Ill. Adm. Code 475	American With Disabilities Act Grievance Procedure (A-10423/92; CC-1673)	
20 Ill. Adm. Code 525	Rights & Privileges (PP-1666)	
CRIMINAL JUSTICE INFORMATION AUTHORITY		
4 Ill. Adm. Code 150	Americans With Disabilities Act Grievance Procedure (P-1263)	
DEVELOPMENT FINANCE AUTHORITY, ILLINOIS		
14 Ill. Adm. Code 1230	Employee Ownership Assistance Program (P-9222/92; A-1859)	
EDUCATIONAL FACILITIES AUTHORITY, ILLINOIS		
23 Ill. Adm. Code 2310	Functions & Planning Program (P-1691)	
EDUCATION, STATE BOARD OF		
23 Ill. Adm. Code 228	Transitional Bilingual Education (P-9253/92; A-104)	
EMPLOYMENT SECURITY, DEPARTMENT OF		
56 Ill. Adm. Code 2840	Claimant's Reason For Separation From Work (P-886)	
56 Ill. Adm. Code 2770	Determination of Unemployment Contributions (P-15625/92; A-295)	
56 Ill. Adm. Code 2732	Employment (P-211)	
56 Ill. Adm. Code 2765	Payment of Unemployment Contributions, Interest & Penalties (P-12006/92; A-308) (P-15638/92; A-614) (P-2523)	
ENVIRONMENTAL PROTECTION AGENCY		
35 Ill. Adm. Code 876	Processing of Claims for Payment from the Underground Storage Tank Fund (E-16191; O-18856; M-2438)	
35 Ill. Adm. Code 320	Permit Fees for Installing or Extending Sewers (P-2469)	
FINANCIAL INSTITUTIONS, DEPARTMENT OF		
38 Ill. Adm. Code 180	Uniform Disposition of Unclaimed Property Act (P-14006/92; A-123)	
FIRE MARSHAL, OFFICE OF THE STATE		
4 Ill. Adm. Code 200	Americans With Disabilities Act Grievance Procedure (P-1954/92; A-2200)	
41 Ill. Adm. Code 170	Storage, Transportation, Sale & Use of Petroleum & Other Regulated Substances (E-1186)	
HEALTH CARE COST CONTAINMENT COUNCIL, ILLINOIS		
4 Ill. Adm. Code 2510	Data Collection (P-1695) (E-2031)	
HEALTH FACILITIES PLANNING BOARD, ILLINOIS		
77 Ill. Adm. Code 1235	(E-432; O-3056)	
HIGHER EDUCATION, BOARD OF		
4 Ill. Adm. Code 975	Americans With Disabilities Act Grievance Procedure (A-19806/92; CC-1673)	
HISTORIC PRESERVATION AGENCY, ILLINOIS		
17 Ill. Adm. Code 4180	Rules for Review of State Agency Undertakings (P-13718/92; A-1521)	
HOUSING DEVELOPMENT AUTHORITY, ILLINOIS		
47 Ill. Adm. Code 370	National Affordable Housing Act (HOME) Program (P-11713/92; A-319)	
HUMAN RIGHTS, DEPARTMENT OF		
56 Ill. Adm. Code 2520	Procedural (P-10)	
INDUSTRIAL COMMISSION, ILLINOIS		
4 Ill. Adm. Code 225	Americans With Disabilities Grievance Procedure (P-7749/92; A-2945)	
50 Ill. Adm. Code 7020	Pre-Arbitration (P14511/92; A-2206)	
INSURANCE, DEPARTMENT OF		
50 Ill. Adm. Code 920	Actuarial Qualification (PR-2530)	
50 Ill. Adm. Code 927	Anticipated Salvage & Subrogation Recoverable (P-2106)	
50 Ill. Adm. Code 932	Automobile Anti-Theft Mechanisms (P-7279/92; O-1240)	
50 Ill. Adm. Code 805	Financial Futures Contracts (P-42) (E-154)	
50 Ill. Adm. Code 2013	Group Coverage Discontinuance & Replacement (P-10375/92; A-1525)	
50 Ill. Adm. Code 2015	Infertility Coverage (P-696)	
50 Ill. Adm. Code 802	Purchasing & Selling Call & Put Options Contracts (P-44) (E-163)	
LABOR, DEPARTMENT OF		
56 Ill. Adm. Code 350	Health & Safety (P-3780/92; O-180; R-1239; A-1074)	
MINES AND MINERALS, DEPARTMENT OF		
62 Ill. Adm. Code 240	Ill. Oil & Gas Act, The (E-1195) (P-13722/92; A-2217)	
44 Ill. Adm. Code 610	Plugging & Restoration Contracts (P-1687)	
POLLUTION CONTROL BOARD		
35 Ill. Adm. Code 615	Existing Activities In A Setback Zone or Regulated Recharge Area (P-16465/92; A-1871)	
35 Ill. Adm. Code 616	New Activities In A Setback Zone or Regulated Recharge Area (P-16473/92; A-1878)	
35 Ill. Adm. Code 611	Primary Drinking Water Standards (P-2533)	
35 Ill. Adm. Code 605	Sampling & Monitoring (P-2682)	
PROFESSIONAL REGULATION, DEPARTMENT OF		
4 Ill. Adm. Code 275	Americans With Disabilities Act Grievance Procedure (A-7003/92; CC-1673)	
68 Ill. Adm. Code 1210	Collection Agency Act (P-16374/92; A-1533)	
68 Ill. Adm. Code 1150	Ill. Architecture Practice Act of 1989 (P-17042/92; A-1554)	

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68 III. Adm. Code 1300	III. Nursing Act of 1987 (P-16484/92; A-1572)	
68 III. Adm. Code 1465	III. Speech-Language Pathology & Audiology Practice Act, The (P-890)	
68 III. Adm. Code 1240	Private Detective, Private Alarm & Private Security Act of 1983 (P-15775/92; A-1579)	
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89 III. Adm. Code 112	Aid to Families With Dependent Children (P-46) (P-3335/92; A-357) (P-13381/92; A-813) (P-15277/92; A-2253)	
89 III. Adm. Code 113	Aid to the Aged, Blind or Disabled (P-702) (P-13383/92; A-827) (P-14999/92; A-2263)	
89 III. Adm. Code 110	Application Process (P-13207/92; A-640)	
89 III. Adm. Code 160	Child Support Enforcement (P-8892/92; A-2272)	
89 III. Adm. Code 165	Collections & Recoveries (P-2110)	
89 III. Adm. Code 116	Crisis Assistance (P-13764/92; A-1078)	
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4 III. Adm. Code 1075	Americans With Disabilities Act Grievance Procedure (P-14182/92; A-142)	
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77 III. Adm. Code 390	Long-Term Care for Under Age 22 Facilities Code (P-1296) (E-2390)		
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TYPE OF RULEMAKING

am = amendment to existing Section
cc = codification changes
n = new Section
r = repeal of existing Section
re = recodified
= renumbered

ACTION CODES

A = Adopted rule
C = Correction
P = Proposed Rule
E = Emergency rule
PP = Peremptory rule
M = Modification
W = Withdrawal
RQ = Request for Correction
PF = Prohibited filing
S = Suspension
O = ICAR Objection
R = Refusal to Modify
F = Failure to Remedy
Objections Objection
RC = Recommendation
EC = Expedited Correction
CC = Codification Changes

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1075.2110 n	(P-2727)	1075.2630 n
1075.2115 n	(P-2727)	1075.2640 n
1075.2120 n	(P-2727)	1075.2650 n
1075.2125 n	(P-2727)	1075.2660 n
1075.2130 n	(P-2727)	1075.2670 n
1075.2135 n	(P-2727)	1075.2680 n
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1.350 am	(P-12808/92; A-600)	
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1.530 am	(P-12808/92; A-600)	

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1.620	am	(P-12808/92; A-600)	370.106	n	(P-11713/92; A-319)
1.630	am	(P-12808/92; A-600)	370.107	n	(P-11713/92; A-319)
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610.110	n	(P-1697)	370.109	n	(P-11713/92; A-319)
610.120	n	(P-1697)	370.110	n	(P-11713/92; A-319)
610.200	n	(P-1697)	370.111	n	(P-11713/92; A-319)
610.210	n	(P-1697)	370.112	n	(P-11713/92; A-319)
610.220	n	(P-1697)	370.113	n	(P-11713/92; A-319)
610.230	n	(P-1697)	370.201	n	(P-11713/92; A-319)
610.240	n	(P-1697)	370.202	n	(P-11713/92; A-319)
610.250	n	(P-1697)	370.203	n	(P-11713/92; A-319)
610.260	n	(P-1697)	370.204	n	(P-11713/92; A-319)
610.270	n	(P-1697)	370.205	n	(P-11713/92; A-319)
610.280	n	(P-1697)	370.206	n	(P-11713/92; A-319)
610.300	n	(P-1697)	370.207	n	(P-11713/92; A-319)
610.310	n	(P-1697)	370.208	n	(P-11713/92; A-319)
610.320	n	(P-1697)	370.209	n	(P-11713/92; A-319)
610.330	n	(P-1697)	370.210	n	(P-11713/92; A-319)
610.340	n	(P-1697)	370.211	n	(P-11713/92; A-319)
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5000.900	n	(P-11378/92; A-1006)	370.302	n	(P-11713/92; A-319)
5000.910	n	(P-11378/92; A-1006)	370.303	n	(P-11713/92; A-319)
5000.920	n	(P-11378/92; A-1006)	370.304	n	(P-11713/92; A-319)
5000.930	n	(P-11378/92; A-1006)	370.305	n	(P-11713/92; A-319)
5000.940	n	(P-11378/92; A-1006)	370.401	n	(P-11713/92; A-319)
5000.950	n	(P-11378/92; A-1006)	370.402	n	(P-11713/92; A-319)
5000.960	n	(P-11378/92; A-1006)	370.501	n	(P-11713/92; A-319)
5000.970	n	(P-11378/92; A-1006)	370.502	n	(P-11713/92; A-319)
5000. Ap.B	n	(P-11378/92; A-1006)	370.503	n	(P-11713/92; A-319)
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130.30	r	(P-1)	370.506	n	(P-11713/92; A-319)
130.40	r	(P-1)	370.507	n	(P-11713/92; A-319)
130.50	r	(P-1)	370.601	n	(P-11713/92; A-319)
130.60	r	(P-1)	370.602	n	(P-11713/92; A-319)
130.70	r	(P-1)	370.603	n	(P-11713/92; A-319)
130.80	r	(P-1)	370.604	n	(P-11713/92; A-319)
130.90	r	(P-1)	370.605	n	(P-11713/92; A-319)
130.100	r	(P-1)	370.701	n	(P-11713/92; A-319)
130.110	r	(P-1)	370.702	n	(P-11713/92; A-319)
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370.1004	n	(P-11713/92; A-319)		
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802.50	am	(P-44) (E-163)		
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805.20	am	(P-42) (E-154)		
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300.278 am	(E-2420)	395.150 am (P-8066/92; A-2984)
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665.430	am	(P-2697)	840.210	am	(P-4329/92; A-2319)
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694.120	am	(P-13414/92; A-2306)	845.20	am	(P-12314/92; A-1884)
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1235.300	n	(E-432; O-3056) (P-683)	2650.25	am	(P-2449)
1235.310	n	(E-432; O-3056) (P-683)	2650.30	am	(P-2449)
2510.60	am	(E-432; O-3056) (P-683)	2650.40	n	(P-2449)
2510.70	am	(P-1695) (E-2031)	2650.50	n	(P-2449)
2510.90	n	(P-1695) (E-2031)	2650.60	n	(P-2449)
		(P-1695) (E-2031)	2650.70	n	(P-2449)
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150.210	am	(P-17372/92; RC-181)	255.20	am	(P-13703/92; A-798)
310.110	am	(P-13679/92; A-238)	275.20	am	(P-8269/92; A-98; RQ-2075)
310.130	am	(P-13679/92; A-238)			(P-12810/92; A-805)
310.290	am	(P-191; C-672)	280.138	am	(P-2462)
		(P-14001/92; A-1819)	305.20	am	(P-202)
310.450	am	(P-14001/92; A-1819)	315.10	am	(P-202)
310.455	am	(P-14001/92; A-1819)	315.20	am	(P-202)
310.470	am	(P-14001/92; A-1819)	315.30	am	(P-202)
310.530	am	(P-14001/92; A-1819)	315.40	n	(P-202)
310.540	am	(P-14001/92; A-1819)	315.50	n	(P-202)
310.Ap.C	am	(P-14001/92; A-1819)	315.60	n	(P-202)
310.Ap.D	am	(P-14001/92; A-1819)	590.10	am	(P-2466)
310.Ap.A	am	(PP-498) (P-13179/92; A-590)	756.210	am	(P-14004/92; A-1848)
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.Tb.M	n	(P-13179/92; A-590)			
.Tb.N	am	(PP-498)	100.3100	am	(P-222) (E-473)
310.Ap.B	am	(P-13679/92; A-238)	100.3400	am	(P-222) (E-473)
310.Ap.C	am	(P-191)	100.7010	am	(P-222) (E-473)
420.330	am	(P-15342/92; A-1652)	105.100	n	(P-219) (E-445)
620.130	am	(P-11724/92; P-12409/92; W-869) (P-91; W-869)	105.110	n	(P-219) (E-445)
		(P-12384/92; A-1631)	105.120	n	(P-219) (E-445)
1650.210	am	(P-12384/92; A-1631)	105.200	n	(P-219) (E-445)
1650.230	am	(P-12384/92; A-1631)	105.210	n	(P-219) (E-445)
1650.240	am	(P-12384/92; A-1631)	105.220	n	(P-219) (E-445)
1650.290	am	(P-12384/92; A-1631)	105.230	n	(P-219) (E-445)
1650.330	am	(P-12384/92; A-1631)	105.300	n	(P-219) (E-445)
1650.340	am	(P-12384/92; A-1631)	105.310	n	(P-219) (E-445)
1650.370	am	(P-12384/92; A-1631)	105.320	n	(P-219) (E-445)
1650.410	am	(P-12384/92; A-1631)	105.330	n	(P-219) (E-445)
1650.450	am	(P-12384/92; A-1631)	105.340	n	(P-219) (E-445)
1650.460	am	(P-12384/92; A-1631)	105.400	n	(P-219) (E-445)
1650.510	am	(P-12384/92; A-1631)	105.410	n	(P-219) (E-445)
1650.520	am	(P-12384/92; A-1631)	105.420	n	(P-219) (E-445)

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105.450	n	(P-219) (E-445)	112.79	am	(P-3335/92; A-357)
105.460	n	(P-219) (E-445)	112.84	r	(P-3335/92; A-357)
105.470	n	(P-219) (E-445)	112.85	am	(P-14522/92; A-813)
105.500	n	(P-219) (E-445)	112.250	am	(P-46)
105.510	n	(P-219) (E-445)	112.252	am	(P-46)
105.520	n	(P-219) (E-445)	112.253	am	(P-46)
105.600	n	(P-219) (E-445)	112.254	am	(P-46)
105.700	n	(P-219) (E-445)	112.330	am	(P-15277/92; A-2253)
105.800	n	(P-219) (E-445)	113.9	am	(P-13383/92; A-827)
105.810	n	(P-219) (E-445)	113.154	r	(P-14999/92; A-2263)
105.900	n	(P-219) (E-445)	113.253	am	(P-702)
105.910	n	(P-219) (E-445)	113.260	am	(P-702)
105.920	n	(P-219) (E-445)	114.9	am	(P-13395/92; A-1091)
105.1000	n	(P-219) (E-445)	114.270	r	(P-15008/92; A-2277)
105.1010	n	(P-219) (E-445)	114.430	am	(P-15008/92; A-2277)
110.115	am	(P-2507)	114.430	am	(P-15008/92; A-2277)
130.220	am	(P-14554/92; A-860)	116.400	am	(P-13764/92; A-1078)
210.101	am	(E-665) (P-2718)	116.520	r	(P-13764/92; A-1078)
210.105	am	(P-2718)	117.15	n	(P-2126) (E-2368)
210.110	am	(P-2718)	120.61	am	(P-2114)
210.115	am	(P-2718)	120.70	am	(P-711)
210.120	am	(P-2718)	120.73	n	(P-711)
210.125	am	(E-665) (P-2718)	120.75	n	(P-711)
210.130	am	(P-2718)	120.385	r	(P-14544/92; A-1102)
535.101	n	(P-15340/92; A-3042)	121.41	am	(P-13385/92; A-644)
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535.120	n	(P-15340/92; A-3042)	140.19	am	(P-62)
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535.130	n	(P-15340/92; A-3042)	140.525	am	A-2290; R-2436; F-3058)
535.135	n	(P-15340/92; A-3042)	140.538	am	(P-13211/92; A-837)
535.140	n	(P-15340/92; A-3042)	140.700	am	(P-13211/92; A-837)
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			140.76.K	am	(P-15296/92; A-2951)
			144.5	am	(P-2477)
			144.25	am	(P-2477)
			144.50	am	(P-2477)
			144.75	am	(P-2477)
			144.125	am	(P-2477)
			144.150	am	(P-2477)
			144.175	am	(P-2477)
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			144.230	n	(P-899)
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147.Tb.F	am	(P-1716)	336.120	n	(P-7963/92; A-1026)
147.150	am	(P-13215/92; A-1128)	336.130	n	(P-7963/92; A-1026)
147.205	am	(P-13215/92; A-1128)	336.140	n	(P-7963/92; A-1026)
148.80	am	(P-10868/92; A-131)	336.150	n	(P-7963/92; A-1026)
160.85	n	(P-8892/92; A-2272)	336.160	n	(P-7963/92; A-1026)
165.70	am	(P-2110)	336.170	n	(P-7963/92; A-1026)
220.625	am	(P-883) (E-1179)	337.10	n	(P-7999/92; A-1046)
220.635	am	(P-883) (E-1179)	337.20	n	(P-7999/92; A-1046)
240.729	n	(P-12251/92; A-224)	337.30	n	(P-7999/92; A-1046)
302.20	am	(P-7565/92; A-274)	337.40	n	(P-7999/92; A-1046)
302.310	am	(P-2460) (E-2513)	337.50	n	(P-7999/92; A-1046)
304.2	am	(P-7545/92; A-251)	337.60	n	(P-7999/92; A-1046)
309.1	r	(P-7982/92; A-1044)	337.70	n	(P-7999/92; A-1046)
309.2	r	(P-7982/92; A-1044)	337.80	n	(P-7999/92; A-1046)
309.3	r	(P-7982/92; A-1044)	337.90	n	(P-7999/92; A-1046)
309.4	r	(P-7982/92; A-1044)	337.100	n	(P-7999/92; A-1046)
309.5	r	(P-7982/92; A-1044)	337.110	n	(P-7999/92; A-1046)
309.6	r	(P-7982/92; A-1044)	337.120	n	(P-7999/92; A-1046)
309.7	r	(P-7982/92; A-1044)	337.130	n	(P-7999/92; A-1046)
309.8	r	(P-7982/92; A-1044)	337.140	n	(P-7999/92; A-1046)
309.9	r	(P-7982/92; A-1044)	337.150	n	(P-7999/92; A-1046)
309.10	r	(P-7982/92; A-1044)	337.160	n	(P-7999/92; A-1046)
309.11	r	(P-7982/92; A-1044)	337.170	n	(P-7999/92; A-1046)
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309.13	r	(P-7982/92; A-1044)	337.190	n	(P-7999/92; A-1046)
309.14	r	(P-7982/92; A-1044)	337.200	n	(P-7999/92; A-1046)
309.15	r	(P-7982/92; A-1044)	337.210	n	(P-7999/92; A-1046)
309.16	r	(P-7982/92; A-1044)	337.220	n	(P-7999/92; A-1046)
309.17	r	(P-7982/92; A-1044)	337.230	n	(P-7999/92; A-1046)
309.18	r	(P-7982/92; A-1044)	337.240	n	(P-7999/92; A-1046)
309.19	r	(P-7982/92; A-1044)	337.250	n	(P-7999/92; A-1046)
309.20	r	(P-7982/92; A-1044)	377.2	am	(P-7553/92; A-259)
309.21	r	(P-7982/92; A-1044)	377.4	am	(P-7553/92; A-259)
309.22	r	(P-7982/92; A-1044)	378.1	r	(P-7561/92; A-272)
309.23	r	(P-7982/92; A-1044)	378.2	r	(P-7561/92; A-272)
330.5	am	(P-1259)	378.3	r	(P-7561/92; A-272)
330.6	am	(P-1259)	378.4	r	(P-7561/92; A-272)
336.10	n	(P-7963/92; A-1026)	402.15	am	(P-11707/92; A-267)
336.20	n	(P-7963/92; A-1026)	505.5	am	(P-1731)
336.30	n	(P-7963/92; A-1026)	505.10	am	(P-1731)
336.40	n	(P-7963/92; A-1026)	505.30	am	(P-1731)
336.50	n	(P-7963/92; A-1026)	505.40	am	(P-1731)
336.60	n	(P-7963/92; A-1026)	505.50	am	(P-1731)
336.70	n	(P-7963/92; A-1026)	505.60	am	(P-1731)
336.80	n	(P-7963/92; A-1026)	505.70	am	(P-1731)
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1200.40 am	(P-15354/92; A-1137)	522.130 r	(P-981)	
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